



**Winston-Salem**

**City Council  
City Clerk's Office**

City of Winston-Salem  
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Winston-Salem, NC 27102  
Tel 336-727-2224  
Fax 336-727-2880  
[www.cityofws.org](http://www.cityofws.org)

DATE: September 22, 2020  
TO: Charles Hendrick, Engineering Department  
FROM: Sandra Keeney, City Clerk

SUBJECT: Petition to Close and Abandon an unnamed 15' alleyway between Shawnee Street and Bond Street

We have received a petition to close and abandon a 15' alleyway between Shawnee Street and Bond Street. The petitioners John C. Steinberger and Janice E. Steinberger at 65 Park Boulevard, Winston-Salem, NC 27127. The petitioners can be reached at 336-970-3516.

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 Clerk



**CityLink311**

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

City Council: Mayor Allen Joines; Denise D. Adams, Mayor Pro Tempore, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Morticia "Tee-Tee" Parmon, Northeast Ward; Annette Scippio, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

NORTH CAROLINA  
FORSYTH COUNTY

**PETITION TO CLOSE AND ABANDON AN  
UNNAMED 15' ALLEYWAY BETWEEN SHAWNEE  
STREET AND BOND STREET**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WINSTON-SALEM:

The undersigned respectfully petition the Honorable Mayor and City Council of the City of Winston-Salem as follows:

**I.**

Your petitioners declare that they are the owners of the real property located at 65 Park Boulevard, Winston-Salem, NC 27127, and that as to other property abutting the 15' alleyway adjacent to 65 Park Boulevard, which they want to have closed and abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>
Laura A.W. Phillips	59 Park Blvd., Winston-Salem, NC 27127
William G. Benton	71 Park Blvd., Winston-Salem, NC 27127
Colin Christopher Choat and Mary Kathryn Bowman	75 Park Blvd., Winston-Salem, NC 27127
Patrick Jeremiah Callaghan, Jr.	237 Shawnee St., Winston-Salem, NC 27127

Reason/purpose for closing said alleyway:

Said 15' alleyway was offered for dedication to public use upon the public records appearing in the Office of the Register of Deeds of Forsyth County, North Carolina. Upon information and belief, the dedicating corporation is not now in existence, and the dedicating corporation did not, at any time after dedication, vest fee simple title in any land embraced within the boundaries of said 15' alleyway; nor can any person assert any claim under a dedicator pursuant to G.S. 136-96 that could be abrogated by the granting of this petition.

Said 15' alleyway is not being used (and, upon information and belief, was never opened and has never been used) by the City of Winston-Salem, and is not being maintained (and, upon information and belief, has never been maintained) by the City of Winston-Salem. Its use as a street or public way is not necessary for the normal flow of traffic through the surrounding area.

Each property abutting said 15' alleyway, as identified below by Tax PIN, has street frontage and an existing driveway fully permitting vehicular access into, and off-street parking upon, such abutting property, independently of the 15' alleyway. Said 15' alleyway is not required by any abutting property for such access.

Use of the alleyway as a means of additional access to abutting properties would be difficult, costly, and unwise because of the alley's terrain and its long-untended condition. It lies on steeply sloping land. In its most northwesterly half, old growth of mature trees and English ivy hold the soil

back from erosion. In its southeasterly half, the southwest side of the alley is so much higher than the northeast side that the full width of the alley could not possibly be used for vehicular travel without construction of a retaining wall and/or deep excavation of abutting properties.

The granting of this petition would promote stewardship of the land and prevent lawlessness. Due to its long-standing status as a "no man's land," the alley has suffered from neglect. Owners of abutting property are understandably reluctant to invest much in the care and tending of the alleyway because it does not belong to them. Currently, the law gives them virtually no recourse against interlopers who would undo or frustrate their efforts. A division down the middle, as provided by statute, will remove this disincentive and allow every portion of the alley to have a clear and definite steward. Such a division also would prevent any single abutting property owner from attempting, without lawful right or license, to dominate and control the entire width of the alley for his own benefit to the detriment of neighboring landowners. Clear and fair division would allow the erection of fencing in appropriate and equitable locations to prevent this and other trespasses that the alley's unsettled "no man's land" status has attracted in the past several years.

**II.**

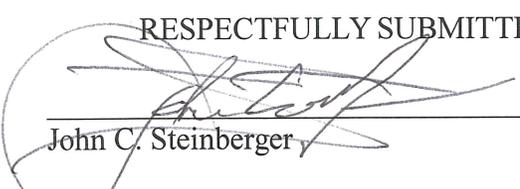
Your petitioners respectfully petition that the entire 15' alleyway between Shawnee Street and Bond Street, in Winston-Salem, NC, officially be closed and abandoned. The area proposed to be closed is described as: Being an unopened 15-foot platted alley extending northwest off of Shawnee Street for approximately 400 feet to the south side of Bond Street. The alley is bounded on the southwest and northeast by Tax PIN 6834-19-6179; on the southwest by Tax PINs 6834-19-7172, 6834-19-8032, and 6834-18-8987; and on the northeast by Tax PIN 6834-19-9150 and by another 15-foot alleyway (not at issue in this petition) lying between Tax PINs 6834-19-6179 and 6834-19-9150.

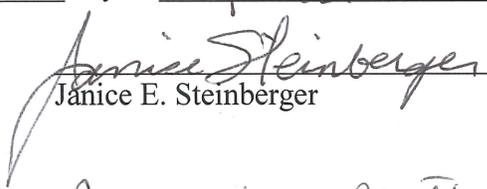
**III.**

No individual owning property in the vicinity of the aforesaid 15' alleyway will be deprived of reasonable means of ingress to or egress from his property, nor is the closing thereof contrary to the public interest.

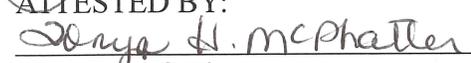
WHEREFORE, your petitioners respectfully request the City of Winston-Salem, acting through its City Council, to close and abandon for street purposes the 15' alleyway between Shawnee Street and Bond Street in Winston-Salem, NC, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

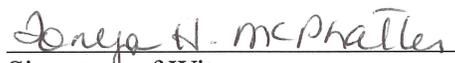
RESPECTFULLY SUBMITTED on this 22<sup>nd</sup> day of September, 2020.

  
\_\_\_\_\_  
John C. Steinberger

  
\_\_\_\_\_  
Janice E. Steinberger

ATTESTED BY:

  
\_\_\_\_\_  
Signature of Witness

  
\_\_\_\_\_  
Signature of Witness

NORTH CAROLINA  
FORSYTH COUNTY

ss:

We, John C. Steinberger and Janice E. Steinberger, being duly sworn, depose and say that we are the petitioners in the above entitled matter; that we have read the foregoing petition and know the contents thereof; that the same is true of our knowledge except as to those matters therein stated on information and belief and as to those matters, we believe it to be true.

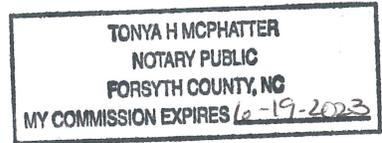
*John C. Steinberger*  
John C. Steinberger

*Janice Steinberger*  
Janice E. Steinberger

SWORN AND SUBSCRIBED before me, this this 22 day of September, 2020

*Tonya H. McPhatter*  
Signature of Notary Public

My commission expires: 6-19-2023



Date Petition Received in Engineering Office: \_\_\_\_\_

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

DATE PETITION RECEIVED IN CITY SECRETARY'S OFFICE: *MaryBeth Jew*

FEE PAID: 1400.<sup>00</sup>



