

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE a portion of Withers Road in the City of Charlotte, Mecklenburg County, North Carolina

Whereas, **NS Riverwood Development, LLC** has filed a petition to close a **portion of Withers Road** in the City of Charlotte; and

Whereas, the portion of Withers Road to be closed lies within the Emerald Point Community beginning from Shopton Road West continuing approximately 85 feet north and turning northwesterly for 365 to its terminus as shown in the map marked "Exhibit A" and is more particularly described by metes and bounds in a document marked "Exhibit B" both of which are available for inspection in the office of the City Clerk, City Hall, Charlotte, North Carolina.

Whereas, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that City Council first adopt a resolution declaring it's intent to close the street and calling a public hearing on the question; said statue further requires that the resolution shall be published once a week for two successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street or alley and

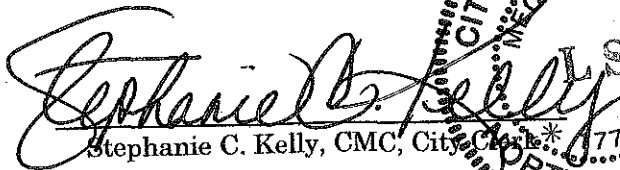

Now, therefore, be it resolved, by the City Council of the City of Charlotte, at it's regularly scheduled session of February 9, 2009 that it intends to close a portion of Withers Road (or portion thereof) being more particularly described on a map and calls a public hearing on the question to be held at 7:00pm on Monday, the 9th day of March, 2009 in CMGC meeting chamber, 600 East 4th Street Charlotte North Carolina.

The City Clerk is hereby directed to publish a copy of this resolution in the Mecklenburg Times once a week for two successive weeks next preceding the date fixed here for such hearing as required by N.C.G.S. 160A-299.

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Page 851.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of February, 2009.


Stephanie C. Kelly, CMC, City Clerk


ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON February 9, 2009.

The following resolution was introduced by _____,
seconded by _____, considered and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND
RATIFYING THE EXECUTION OF THE GRANT AGREEMENT FOR PROJECT
NUMBER 3-37-0012-58 BETWEEN THE UNITED STATES OF AMERICA AND
THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the _____ CITY COUNCIL _____ of
THE CITY OF CHARLOTTE, NORTH CAROLINA

SECTION 1. That said City Council hereby
authorizes, adopts, approves, accepts and ratifies the execution of
a Grant Agreement between the Federal Aviation Administration on
behalf of the United States of America and the City of Charlotte,
North Carolina

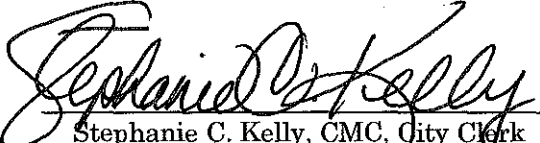
SECTION 2. That the Execution of said Grant Agreement in
quadruplicate on behalf of said City Council by
T. J. Orr, Aviation Director and the impression of
the official seal of the City of Charlotte and the attestation
by Stephanie Kelly ~~Brenda Freeze~~; City Clerk is
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby
authorized to execute payment requests under these Grant Agreements
on behalf of said City of Charlotte.

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Pages (852-853).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of February, 2009.


Stephanie C. Kelly, CMC, City Clerk

RESOLUTION CLOSING ALLEN A BROWN ROAD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close Allen A Brown Road which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close Allen A Brown Road to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to City of Charlotte, Duke Energy, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked "Exhibits A-1, A-2, A-3, and A-4".

WHEREAS, the public hearing was held on the 12th day of January, 2009 and City Council determined that the closing of Allen A Brown Road is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

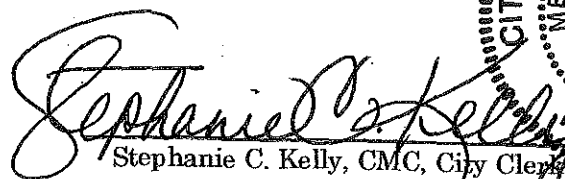
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 9, 2009, that the Council hereby orders the closing of Allen A Brown Road in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibits A-1, A-2, A-3, and A-4", and is more particularly described by metes and bounds in document marked "Exhibit B", all of which are attached hereto and made a part hereof. This action shall be effective on the date that the right-of-way for the proposed realignment of Allen A Brown Road is conveyed, recorded, constructed and accepted by the City of Charlotte for maintenance. The abandonment approval shall be void if the above conditions are not met within one year of this date.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Pages (854-859).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 11th day of February, 2009.


Stephanie C. Kelly, CMC, City Clerk

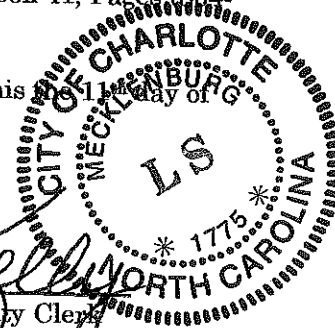
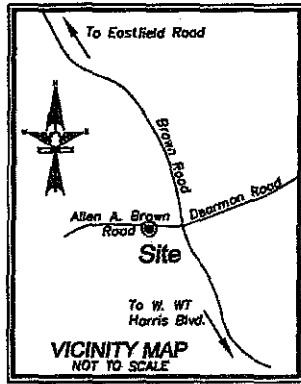
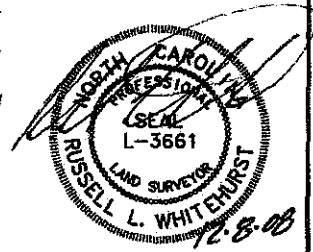


Exhibit 'A-1'



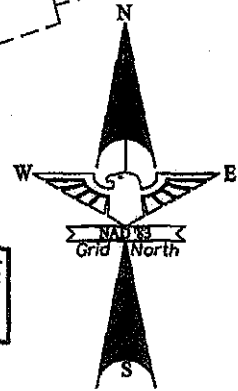
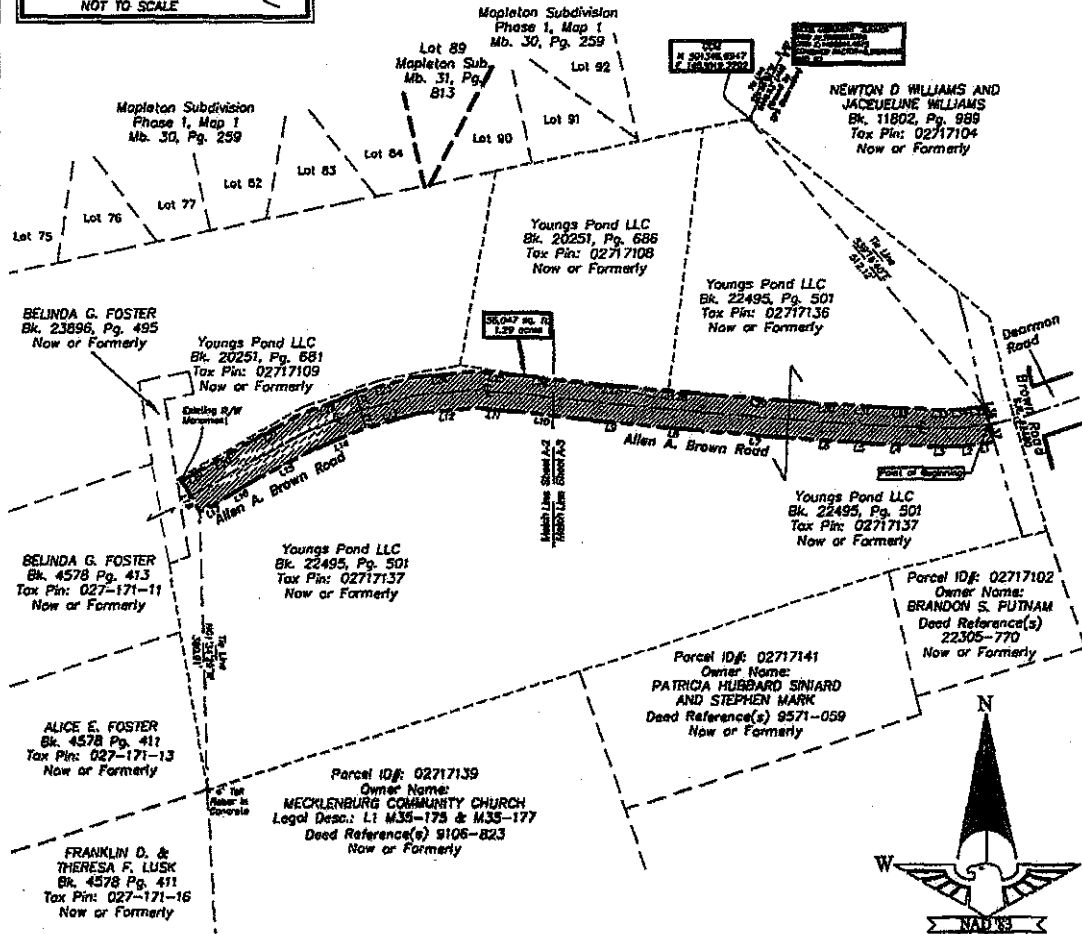
Right of Way Abandonment Map

THE PURPOSE OF THIS MAP IS TO ABANDON RIGHT OF WAY ONLY AND IS NOT INTENDED TO CERTIFY TO THE LOCATION AND OWNERSHIP OF BOUNDARY/TITLE LINES. THIS MAP IS NOT INTENDED TO MEET THE REQUIREMENTS OF N.C. BOARD RULE .1600 (21 NCAC 56) OR N.C.G.S. 47-30.



REVIEW OFFICER _____
 I, _____ A REVIEW OFFICER OF MECKLENBURG COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS THE STATUTORY REQUIREMENTS FOR RECORDING. REVIEW

REVIEW OFFICER _____ DATE _____



NOTES:

DEED REFERENCE: BK. 4560, PG. 229

TAX PARCEL : 027-17-108, 027-17-136, & 027-17-137

EASEMENT IN FAVOR OF, DUKE ENERGY, CHARLOTTE-MECKLENBURG UTILITIES, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER/SEWER LINES, GAS MAINS, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM MAP 370158-0108E, DATED FEBRUARY 4, 2004.

USERS OF THIS MAP ARE REQUIRED TO USE SHEET A-2, A-3, A-4, & B-1 RECORDED HEREWITH

- AREA OF R/W ABANDONMENT (56,047 sq. ft. OR 1.29 Acres)

REVISED: 07/21/08 TO REMOVE 30' EASEMENT IN (DB 3312, PG 356) - REFERENCE DB 23624, PG 374

REVISED: 03/28/08 TO ADD AREA OF R/W ABANDONMENT



2013 Van Buren Avenue
 Indian Trail, NC 28079
 (704) 882-4222
 www.eagleonline.net

R/W ABANDONMENT MAP

MERIDALE SUBDIVISION, PHASE 1

CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

SCALE 1"=200'

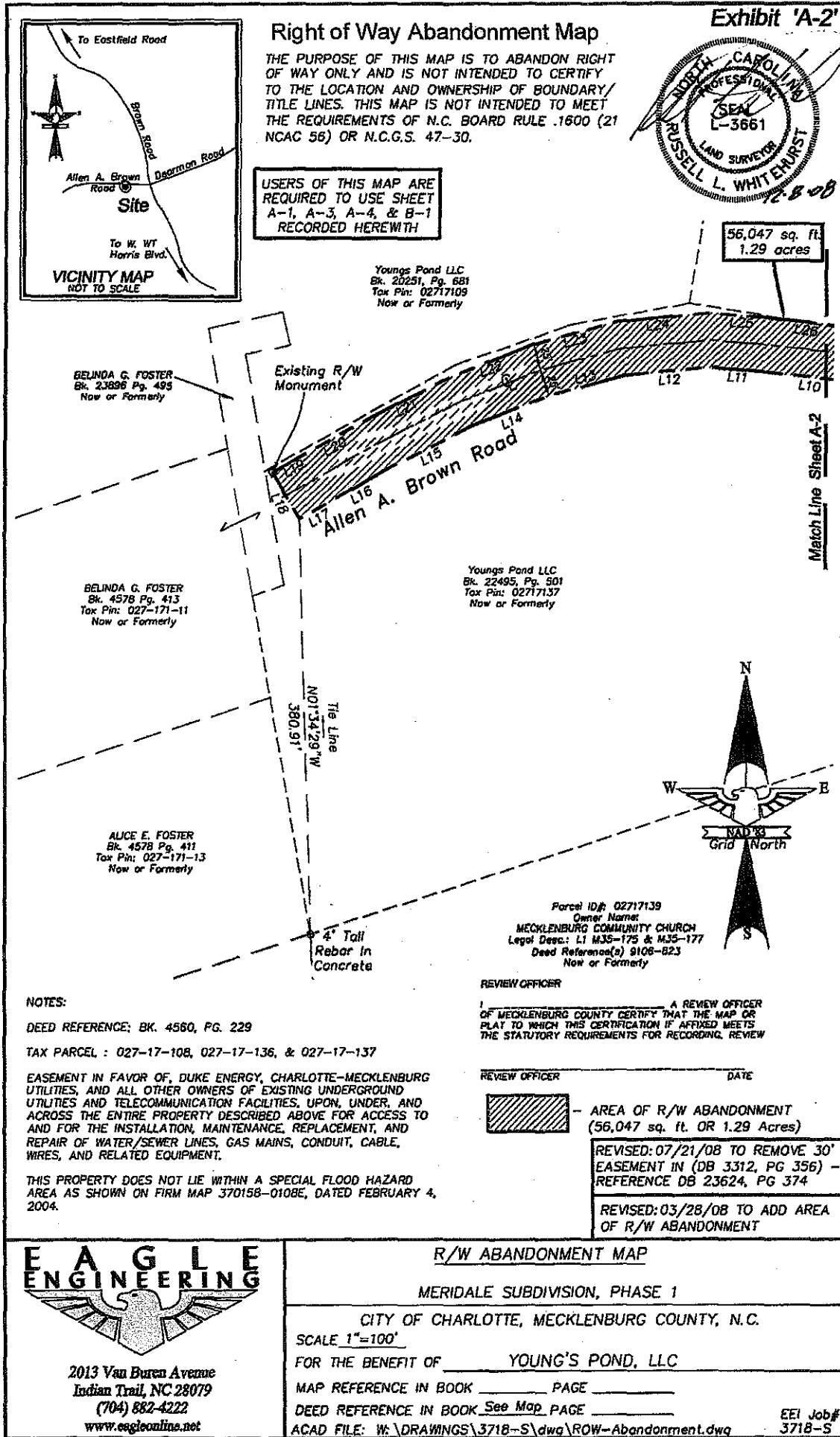
FOR THE BENEFIT OF YOUNG'S POND, LLC

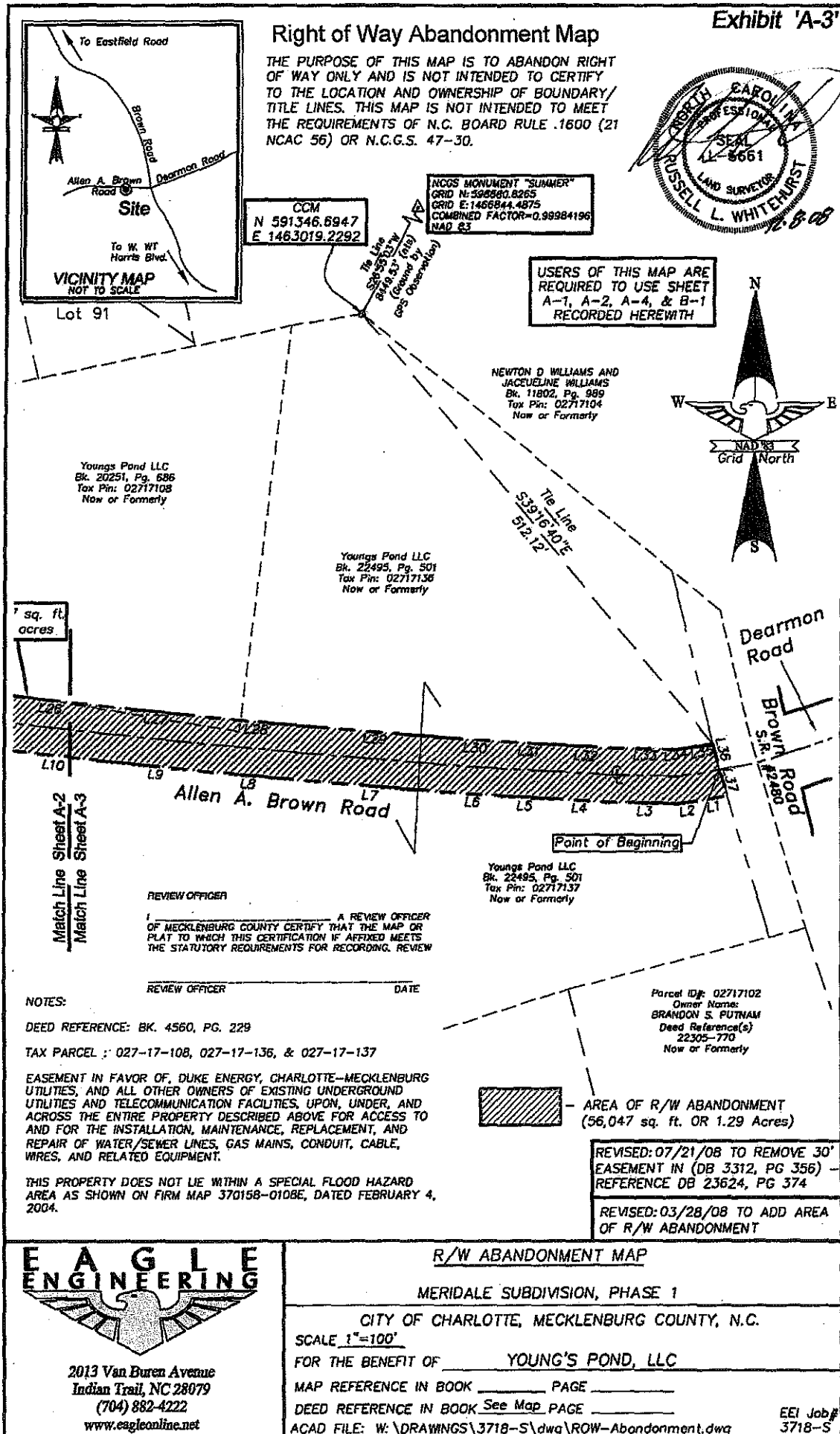
MAP REFERENCE IN BOOK _____ PAGE _____

DEED REFERENCE IN BOOK See Map PAGE _____

ACAD FILE: W:\DRAWINGS\3718-S\dwg\ROW-Abandonment.dwg

EEL Job# 3718-S

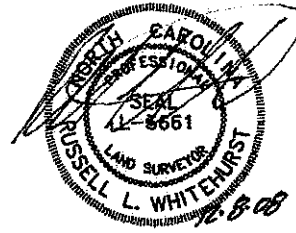




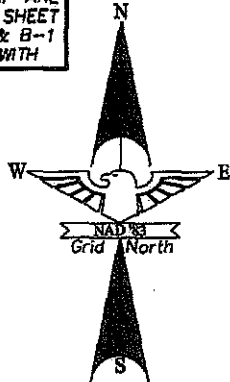
Right of Way Abandonment Map

THE PURPOSE OF THIS MAP IS TO ABANDON RIGHT OF WAY ONLY AND IS NOT INTENDED TO CERTIFY TO THE LOCATION AND OWNERSHIP OF BOUNDARY/TITLE LINES. THIS MAP IS NOT INTENDED TO MEET THE REQUIREMENTS OF N.C. BOARD RULE .1600 (21 NCAC 56) OR N.C.G.S. 47-30.

Exhibit 'A-3'



USERS OF THIS MAP ARE REQUIRED TO USE SHEET A-1, A-2, A-4, & B-1 RECORDED HERewith



NEWTON D WILLIAMS AND JACEULINE WILLIAMS
Bk. 11802, Pg. 989
Tax Pin: 02717104
Now or Formerly

Youngs Pond LLC
Bk. 20251, Pg. 686
Tax Pin: 02717108
Now or Formerly

Youngs Pond LLC
Bk. 22495, Pg. 501
Tax Pin: 02717136
Now or Formerly

Youngs Pond LLC
Bk. 22495, Pg. 501
Tax Pin: 02717137
Now or Formerly

Parcel ID#: 02717102
Owner Name:
BRANDON S. PUTNAM
Deed Reference(s)
22305-770
Now or Formerly

REVIEW OFFICER
I, _____, A REVIEW OFFICER OF MECKLENBURG COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS THE STATUTORY REQUIREMENTS FOR RECORDING. REVIEW

REVIEW OFFICER _____ DATE _____

NOTES:

DEED REFERENCE: BK. 4560, PG. 229

TAX PARCEL : 027-17-108, 027-17-136, & 027-17-137

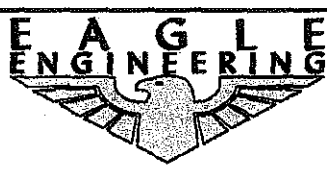
EASEMENT IN FAVOR OF, DUKE ENERGY, CHARLOTTE-MECKLENBURG UTILITIES, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER/SEWER LINES, GAS MAINS, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM MAP 370158-0108E, DATED FEBRUARY 4, 2004.

AREA OF R/W ABANDONMENT (56,047 sq. ft. OR 1.29 Acres)

REVISED: 07/21/08 TO REMOVE 30' EASEMENT IN (DB 3312, PG 356) - REFERENCE DB 23624, PG 374

REVISED: 03/28/08 TO ADD AREA OF R/W ABANDONMENT



2013 Van Buren Avenue
Indian Trail, NC 28079
(704) 882-4222
www.eagleonline.net

R/W ABANDONMENT MAP
MERIDALE SUBDIVISION, PHASE 1

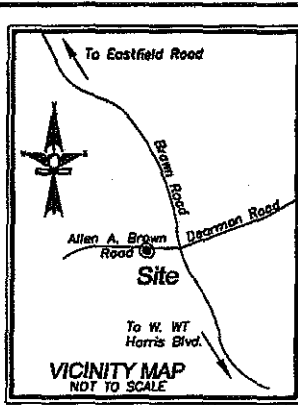
CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

SCALE 1"=100'
FOR THE BENEFIT OF YOUNG'S POND, LLC

MAP REFERENCE IN BOOK _____ PAGE _____
DEED REFERENCE IN BOOK See Map PAGE _____

ACAD FILE: W:\DRAWINGS\3718-S\dwg\ROW-Abandonment.dwg

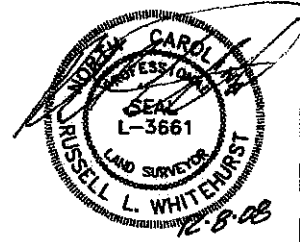
EEL Job# 3718-S



Right of Way Abandonment Map

THE PURPOSE OF THIS MAP IS TO ABANDON RIGHT OF WAY ONLY AND IS NOT INTENDED TO CERTIFY TO THE LOCATION AND OWNERSHIP OF BOUNDARY/TITLE LINES. THIS MAP IS NOT INTENDED TO MEET THE REQUIREMENTS OF N.C. BOARD RULE .1600 (21 NCAC 56) OR N.C.G.S. 47-30.

Exhibit 'A-4'



REVIEW OFFICER

I, _____ A REVIEW OFFICER OF MECKLENBURG COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS THE STATUTORY REQUIREMENTS FOR RECORDING. REVIEW

REVIEW OFFICER

DATE

LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	28.37	S79°42'47"W	L20	63.30	N59°40'53"E
L2	17.09	S83°24'19"W	L21	89.96	N62°08'17"E
L3	61.38	N88°50'09"W	L22	82.85	N67°58'16"E
L4	57.15	N86°39'30"W	L23	80.52	N74°50'56"E
L5	45.35	N86°46'39"W	L24	86.10	N84°36'30"E
L6	48.02	N86°28'57"W	L25	57.29	S85°23'47"E
L7	139.43	N85°20'06"W	L26	90.01	S83°47'24"E
L8	84.44	N84°53'34"W	L27	89.84	S84°19'51"E
L9	90.33	N84°19'51"W	L28	84.10	S84°53'34"E
L10	89.55	N83°47'24"W	L29	138.83	S85°20'06"E
L11	52.22	N85°23'47"W	L30	47.39	S86°28'57"E
L12	77.46	S84°36'50"W	L31	45.28	S86°46'39"E
L13	73.25	S74°50'56"W	L32	56.25	S86°39'30"E
L14	77.30	S67°58'16"W	L33	57.04	S88°50'09"E
L15	86.34	S62°08'17"W	L34	12.09	N83°24'19"E
L16	62.48	S59°40'53"W	L35	21.91	N79°42'47"E
L17	30.40	S60°15'59"W	L36	14.59	S13°26'31"E
L18	49.73	N29°44'01"W	L37	35.32	S16°25'15"E
L19	30.14	N60°15'59"E			

NOTES:

DEED REFERENCE: BK. 4560, PG. 229

TAX PARCEL : 027-17-108, 027-17-136, & 027-17-137

EASEMENT IN FAVOR OF, DUKE ENERGY, CHARLOTTE-MECKLENBURG UTILITIES, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER/SEWER LINES, GAS MAINS, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM MAP 370158-0108E, DATED FEBRUARY 4, 2004.

USERS OF THIS MAP ARE REQUIRED TO USE SHEET A-1, A-2, A-3, & B-1 RECORDED HEREWITH

REVISED: 07/21/08 TO REMOVE 30' EASEMENT IN (DB 3312, PG 356) - REFERENCE DB 23624, PG 374

REVISED: 03/28/08 TO ADD AREA OF R/W ABANDONMENT



2013 Van Buren Avenue
Indian Trail, NC 28079
(704) 882-4222
www.eagleonline.net

R/W ABANDONMENT MAP

MERIDALE SUBDIVISION, PHASE 1

CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

SCALE 1"=100'

FOR THE BENEFIT OF YOUNG'S POND, LLC

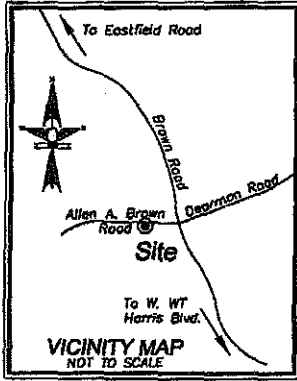
MAP REFERENCE IN BOOK _____ PAGE _____

DEED REFERENCE IN BOOK See Map PAGE _____

ACAD FILE: W:\DRAWINGS\3718-S\dwg\ROW-Abandonment.dwg

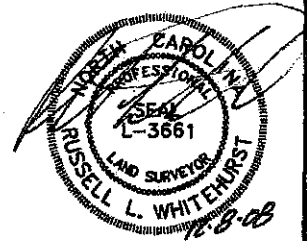
EEL Job#
3718-S

Exhibit 'B-1'



Right of Way Abandonment Map

THE PURPOSE OF THIS MAP IS TO ABANDON RIGHT OF WAY ONLY AND IS NOT INTENDED TO CERTIFY TO THE LOCATION AND OWNERSHIP OF BOUNDARY/TITLE LINES. THIS MAP IS NOT INTENDED TO MEET THE REQUIREMENTS OF N.C. BOARD RULE .1600 (21 NCAC 56) OR N.C.G.S. 47-30.



REVIEW OFFICER

I, _____ A REVIEW OFFICER OF MECKLENBURG COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS THE STATUTORY REQUIREMENTS FOR RECORDING. REVIEW

REVIEW OFFICER

DATE

LEGAL DESCRIPTION

BEGINNING at a point located on the Western right of way of Brown Road (S.R. #2480) and running

thence bearing S 16-25-15 E a distance of 35.32 feet;
 thence bearing S 79-42-47 W a distance of 28.37 feet;
 thence bearing S 83-24-19 W a distance of 17.09 feet;
 thence bearing N 88-50-09 W a distance of 61.38 feet;
 thence bearing N 86-39-30 W a distance of 57.15 feet;
 thence bearing N 86-46-39 W a distance of 45.35 feet;
 thence bearing N 86-28-57 W a distance of 48.02 feet;
 thence bearing N 85-20-06 W a distance of 139.43 feet;
 thence bearing N 84-53-34 W a distance of 84.44 feet;
 thence bearing N 84-19-51 W a distance of 90.33 feet;
 thence bearing N 83-47-24 W a distance of 89.55 feet;
 thence bearing N 85-23-47 W a distance of 52.22 feet;
 thence bearing S 84-36-50 W a distance of 77.46 feet;
 thence bearing S 74-50-56 W a distance of 73.25 feet;
 thence bearing S 67-58-16 W a distance of 77.30 feet;
 thence bearing S 62-8-17 W a distance of 86.34 feet;
 thence bearing S 59-40-53 W a distance of 62.48 feet;
 thence bearing S 60-15-59 W a distance of 30.40 feet;
 thence bearing N 29-44-01 W a distance of 49.73 feet;
 thence bearing N 60-15-59 E a distance of 30.14 feet;
 thence bearing N 59-40-53 E a distance of 63.30 feet;
 thence bearing N 62-8-17 E a distance of 89.96 feet;
 thence bearing N 67-58-16 E a distance of 82.85 feet;
 thence bearing N 74-50-56 E a distance of 80.52 feet;
 thence bearing N 84-36-50 E a distance of 86.10 feet;
 thence bearing S 83-23-47 E a distance of 57.29 feet;
 thence bearing S 83-47-24 E a distance of 90.01 feet;
 thence bearing S 84-19-51 E a distance of 89.84 feet;
 thence bearing S 84-53-34 E a distance of 84.10 feet;
 thence bearing S 85-20-06 E a distance of 138.83 feet;
 thence bearing S 86-28-57 E a distance of 47.39 feet;
 thence bearing S 86-46-39 E a distance of 45.28 feet;
 thence bearing S 86-39-30 E a distance of 56.25 feet;
 thence bearing S 88-50-09 E a distance of 57.04 feet;
 thence bearing N 83-24-19 E a distance of 12.09 feet;
 thence bearing N 79-42-47 E a distance of 21.91 feet;
 thence bearing S 13-26-31 E a distance of 14.59 feet to the point and place of BEGINNING and containing 57,047 sq. ft. or 1.29 acres.

NOTES:

DEED REFERENCE: BK. 4560, PG. 229

TAX PARCEL : 027-17-108, 027-17-136, & 027-17-137

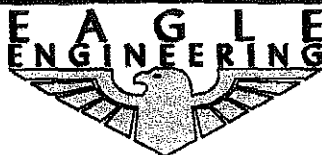
EASEMENT IN FAVOR OF, DUKE ENERGY, CHARLOTTE-MECKLENBURG UTILITIES, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND UTILITIES AND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER/SEWER LINES, GAS MAINS, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM MAP 370153-0108E, DATED FEBRUARY 4, 2004.

USERS OF THIS MAP ARE REQUIRED TO USE SHEET A-1, A-2, A-3, & A-4 RECORDED HERewith

REVISED: 07/21/08 TO REMOVE 30' EASEMENT IN (DB 3312, PG 356) - REFERENCE DB 23624, PG 374

REVISED: 03/28/08 TO ADD AREA OF R/W ABANDONMENT



2013 Van Buren Avenue
 Indian Trail, NC 28079
 (704) 882-4222
 www.eagleonline.net

R/W ABANDONMENT MAP

MERIDALE SUBDIVISION, PHASE 1

CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

SCALE NTS

FOR THE BENEFIT OF YOUNG'S POND, LLC

MAP REFERENCE IN BOOK _____ PAGE _____

DEED REFERENCE IN BOOK See Map PAGE _____

ACAD FILE: W:\DRAWINGS\3718-S\dwg\ROW-Abandonment.dwg

EEl Job#
 3718-S

RESOLUTION CLOSING A RESIDUAL PORTION OF RIGHT-OF-WAY ABUTTING E. INDEPENDENCE BOULEVARD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a residual portion of right-of-way abutting E. Independence Boulevard which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a residual portion of right-of-way abutting E. Independence Boulevard to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the public hearing was held on the 9th day of February, 2009 and City Council determined that the closing of a residual portion of right-of-way abutting E. Independence Boulevard is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

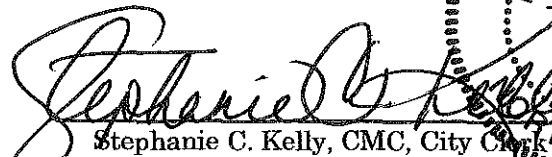
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of February 9, 2009, that the Council hereby orders the closing of a residual portion of right-of-way abutting E. Independence Boulevard in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in the document marked "Exhibit B" both of which are attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2009, the reference having been made in Minute Book 128, and recorded in full in Resolution Book 41, Pages (860-866).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 9th day of February, 2009.


Stephanie C. Kelly, CMC, City Clerk




EXHIBIT A

THIS SURVEY IS CERTIFIED TO ONLY THE BURT FAMILY LIMITED PARTNERSHIP
 THIS IS TO CERTIFY THAT THIS SURVEY IS BASED UPON THE PREVIOUSLY RECORDED DEED
 STATE OF NORTH CAROLINA
 I, ANDREW G. ZOUTEWELLE, Surveyor
 from an actual field measurement of the property, and the precision is 1:100,000 that the only error is less than 7.5 seconds per angle that this map is not intended to meet GS 47-30 recording requirements.

Andrew G. Zoutewelle
 L-3098
 AND SURVEYOR
 ANDREW G. ZOUTEWELLE
 11-07

GENERAL NOTES:

1. The referenced deed of this property is recorded in Deed Book 7740 Page 731, Mecklenburg County Public Registry - See State Hwy. Map Book 2 Page 733 & 735.
2. Area of this property is shown and computed by coordinates.
3. This survey does not reflect a complete title examination which may reveal restrictions, easements or other matters of title. See restrictions or other matters recorded in Deed Book 21726 Page 499.
4. This property is zoned I-2 as per the Mecklenburg County GIS. This survey does not reflect a zoning analysis. Any development of this property is subject to the approval of the City of Charlotte.
5. This survey does not reflect complete utility locations. Contact the NC One-Call Utility Locating Service Center at 1-800-632-4848 before any construction or excavation is begun.
6. The subject property is not located within a Special Flood Hazard Area as per FIRM 3701590187E dated 02/04/04.

Tax I.D. 08117721
 The Burt Family Limited Partnership
 DB 9137 Pg. 774
 Zoning: I-2

LEGEND

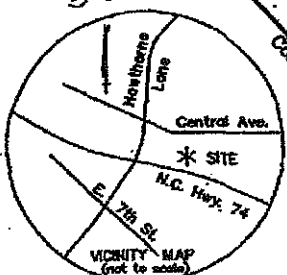
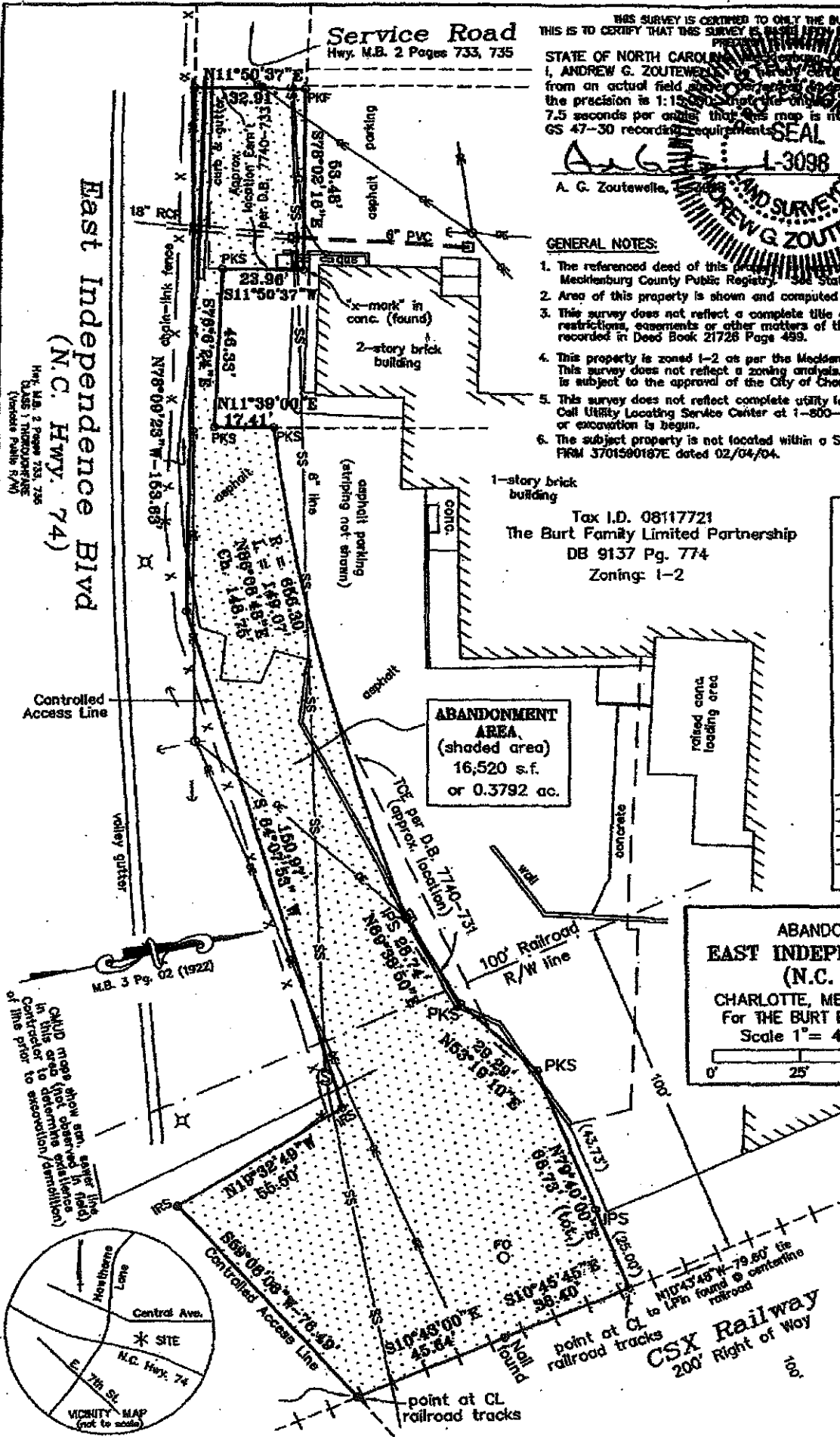
ch	chord
LR	curve length & radius
s.f.	square feet (by coordinates)
LPIN	iron survey stake
conc.	concrete
a/c	air conditioner
MB, DB	record map and deed references
+	right pole
⊕	power pole
⊙	gas valve
⊚	guy anchor
⊛	catch basin
⊜	water meter
⊝	water valve
⊞	fire hydrant
⊠	sanitary sewer manhole
⊡	gas meter
⊣	manhole
⊤	electric manhole
⊥	underground gas line
⊦	underground telephone line
⊧	water line
⊨	sanitary sewer line
⊩	overhead power line
⊪	underground telephone

Copyright 2007
**ABANDONMENT SURVEY OF
 EAST INDEPENDENCE BOULEVARD
 (N.C. Highway 74)**
 CHARLOTTE, MECKLENBURG COUNTY, N.C.
 For THE BURT FAMILY LIMITED PARTNERSHIP
 Scale 1" = 40' November 9, 2007

0' 25' 50' 75' 100'

Plaza Industries, Inc.
 Tax I.D. 08117722
 Zoning: B-2
 no deed found

**A.G. ZOUTEWELLE
 SURVEYORS**
 1418 East Fifth St. Charlotte, NC 28204



CHUD maps show serv. water lines in this area. Contractor to determine existence of lines prior to excavation/demolition.

Legal Description Portion of East Independence Boulevard

BEING all that certain tract or parcel of land located within the City of Charlotte, Mecklenburg County, North Carolina, and being known as a portion of the right-of-way of East Independence Boulevard, which portion is a remnant located adjacent to and outside of the new controlled-access right-of-way of Independence Expressway as recorded in State Highway Map Book 2 Pages 733 and 735 in the Mecklenburg County Registry, and being more particularly described as follows:

BEGINNING at a point in the centerline of the CSX Railway tracks, said CSX Railway having a right-of-way width of 200 feet, said point being also located on the northerly controlled-access right-of-way margin of the new Independence Expressway as recorded in the aforesaid State Highway Map Book 2 Pages 733 and 735 of the Mecklenburg County Registry, and running thence from said POINT AND PLACE OF BEGINNING along the northerly controlled-access right-of-way margin of the said Independence Expressway the following four (4) calls: (1) South 59-08-06 West 76.49 feet to a new iron rod, (2) North 19-32-49 West 55.50 feet to a new iron rod, (3) South 84-07-53 West 150.97 feet to a new iron rod and (4) North 78-09-23 West 153.63 feet to a new iron rod located in the terminus of the Independence Expressway Service Road as shown on the aforesaid State Highway Map Book 2 Pages 733 and 735 of the Mecklenburg County Registry; thence along the terminus of the said Service Road North 11-50-37 East 32.91 feet to an existing pk nail; thence along the northerly right-of-way margin of the old East Independence Boulevard the following eight (8) calls: (1) South 78-02-16 East 53.48 feet to an existing X-mark in a concrete walk, (2) South 11-50-37 West 23.96 feet to a new pk nail, (3) South 76-06-24 East 46.33 feet to a new pk nail, (4) North 11-39-00 East 17.41 feet to a new pk nail, (5) following the arc of a curve to the left having a radius of 656.30 feet and an arc length of 149.07 (chord bearing North 86-08-48 East 148.75 feet) to a new iron rod, (6) North 69-38-50 East 28.74 feet to a new pk nail, (7) North 53-19-10 East 29.29 feet to a new pk nail and (8) North 79-40-00 East (passing a new iron rod at 43.73 feet) a total distance of 68.73 feet to a point in the centerline of the aforesaid CSX Railway tracks; thence along the centerline of the said CSX Railway tracks the following two (2) calls: (1) South 10-45-45 East 38.40 feet to an existing nail and (2) South 10-43-00 East 45.64 feet to the point and place of BEGINNING, containing 16,520 square feet as shown on a survey prepared by Andrew G. Zoutewelle dated November 9, 2007.

*** NC EXCISE TAX: 540.00 ***

STATE HIGHWAY PROJECT 8.T871005
F. A. PROJECT F 18-2 (25)
TAX LOT 081-177-19, 20, 21 ID#U-209 C

NORTH CAROLINA
COUNTY OF MECKLENBURG
PARCEL 45

JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 04/10/09 10:40
16181

THIS FEE SIMPLE DEED, entered into this the 7th day of March, 19 94, by and between RALPH L. BURT AND WIFE FLORENE F. BURT hereinafter referred to as the GRANTORS, and the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT;

WITNESSETH:

THAT the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 259,999.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE (subject to any provisions relating to abutters' rights of access which may be hereinafter stated) the right of way located in CHARLOTTE, Township, Mecklenburg County, North Carolina, which is particularly described as follows:

It is understood and agreed that full control of access shall apply along the northern right of way boundary of U.S. Highway 74, Independence Boulevard as follows: Beginning at the point of intersection of the western property line of the undersigned, if extended, common with Mechanical Contractors, Inc., now or formerly, and a straight line, said straight line having its beginning point 90 Ft. north of and normal to Survey Station 31+65, Survey Line L and its ending point 92 Ft. north of and normal to Survey Station 35+00, Survey Line L; thence in an easterly direction in a straight line to a point located 92 Ft. north of and normal to Survey Station 35+00, Survey Line L; thence in a northeasterly direction in a straight line to a point located 125 Ft. north of and normal to Survey Station 36+55, Survey Line L; thence continuing in an easterly direction 125 Ft. north of and parallel to Survey Line L to the point of intersection with the western right of way boundary of the Seaboard Airline Railway Company, now or formerly, to the point of ending.

THE property hereinabove described was acquired by the GRANTORS by instrument recorded in the Mecklenburg County Register in Book 2791, Page 447.

THE final right of way plans showing the above-described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 186-19.4, reference to which plans is hereby made for purposes of further description.

TO HAVE AND TO HOLD the aforesaid right of way and all privileges and appurtenances thereunto belonging to the DEPARTMENT in FEE SIMPLE.

THIS deed is subject to the following provisions only:

TEMPORARY CONSTRUCTION EASEMENT:

It is understood and agreed that the undersigned hereby grants to the Department a temporary construction easement area outside of and adjacent to the northern right of way boundary of the project, said area having a maximum width of 8 Ft. lying north of and between survey Station 35+38 and Survey Station 36+38, Survey Line L which will expire upon completion of the project or when the slopes are no longer needed to stabilize the road.

It is understood and agreed that continuous access will be provided to the subject property during project construction.

It is understood and agreed that the Department will abandon the right of way between the existing northern right of way boundary of US Highway 74, Independence Boulevard, and the proposed northern right of way boundary of US Highway 74, Independence Boulevard, between approximate Survey Station 34+40, Survey Line L, and the eastern boundary line of the undersigned as shown on _____

DRAWN BY: William M. Williams, Jr. CHECKED BY: David E. D. J. J. J.
PAGE 1
R/W D-1.2
WMWjr:pb

Please mail to: Weinstein & Sturgeon, P. A., P. O. Box 32248, Charlotte, NC 28232-2248 (RD Box 827)
FEE: \$12.00 City & Co.
(SKD)

UNC

DEEDS

PROJECT 8.T671005

PARCEL 45

The Department has no objections to the undersigned's use of the above described right of way prior to abandonment by the Department as long as the undersigned uses the right of way in such a manner that conforms to all State, local and municipal codes and/or regulations.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this conveyance is made for the purpose of constructing and establishing upon the right of way hereby conveyed a road or highway designated as State Highway Project 8.T671005, Mecklenburg County, which road or highway is a controlled access facility as defined by law and the GRANTORS shall have no right of access to said road or highway, except such access as may be provided by way of local service or frontage roads and streets or specific access points as shown and designated as such on the right of way plans for said State Highway Project on file in the office of the DEPARTMENT in Raleigh, North Carolina, and to be recorded in the Register of Deeds Office of Mecklenburg County pursuant to N.C.G.S. 136-19.4. The access as provided is more particularly described as follows:

077441-07333

AS to such local service or frontage roads and streets or specific points of access, the GRANTORS reserve unto themselves, their heirs, successors, executors and assigns for the benefit of their remaining property abutters' right of access thereto as at common law; subject, however, to the right of the DEPARTMENT to reasonably regulate said abutters' rights of access in order to protect and safeguard the traveling public.

THE GRANTORS by the execution of this instrument acknowledge that the plans for the aforesaid project as they affect their property have been fully explained to them or their authorized representative.

AND the GRANTORS covenant with the Department, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: NONE

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

Ralph L. Burt (SEAL)
RALPH L. BURT

Florence F. Burt (SEAL)
FLORENCE F. BURT

_____(SEAL) _____(SEAL)

ACCEPTED FOR DEPARTMENT OF TRANSPORTATION

BY: [Signature]
MAR 21 1994

STATE OF NORTH CAROLINA Meck COUNTY
I, Bobby D. Little, a Notary Public for the above said
County and State do hereby certify that
Ralph L. Burt and Florence F. Burt

GRANTOR(S) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this 14th day of March 1994.

My Commission expires 8-14-94

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Bobby D. Little

HECKLENBURG COUNTY

AMOUNT - EXCISE TAX \$40.00

Notary Public is/are certified to be correct.

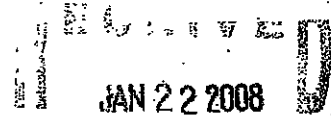
This 14th day of April 19 94

JUDITH A. GIBSON, REGISTER OF DEEDS

By: [Signature] Deputy Register of Deeds



Real Estate Excise Tax



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

MCKNIR LAW FIRM, P.A.
CHARLOTTE, N.C.

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 18, 2008

Division 10
District 2

McNair Law Firm, P.A.
Attn: Sherri L. McGirt
Two Wachovia Center
301 South Tryon Street
Suite 1615
Charlotte, North Carolina 28282

Re: North Carolina Department of Transportation
Division of Highway – Abandonment Petition
Owner: Burt Family Limited Partnership
R. Lea Burt, Jr., General Partner
c/o Mechanical Contractors
1733 University Commercial Place
Charlotte, North Carolina 28213
Location of Property: Adjoining East Independence Boulevard

Dear Ms. McGirt:

We have reviewed the Deed of Easement dated March 7th, 1994, between Mr. Ralph L. Burt and wife, Floreine F. Burt, and the North Carolina Department of Transportation. In the Deed under the "Temporary Construction Easement" leading Paragraph 3 states, "It is understood and agreed that the Department will abandon the right of way between the existing northern right of way boundary of US Highway 74, Independence Boulevard, between approximate Survey Station 34 + 40, Survey Line L, and the eastern property Project 8.T671005, ID No. U-209 C, Parcel 45."

The construction of State Highway Project U-209-C for which this instrument was recorded is complete. Thus, the abandonment of the maintenance for this right-of-way is complete. When the NC Board of Transportation ratified this agreement it also ratified all its inclusions.

Please be advised that the NCDOT only abandons the maintenance of Right-of-ways. To have the actual property abandoned and conveyed back to the previous owner, it will be necessary for the owner to petition the local governing authority. In this case that entity will be the City of Charlotte.



Ms. McGirt
Page 2
January 18, 2008

Also be advised that the Temporary Construction Easement itself was terminated when the NCDOT accepted the State Highway project U-209-C for maintenance.

In your letter dated November 26, 2007, you've requested on behalf of your client, the NCDOT abandon the maintenance of a public drive access that was recorded per Deed Book 7740-733. The NCDOT would agree to terminate this agreement, if your client could get a written consent from all property owners serviced by this agreement. In addition, it will be necessary to gain concurrence from the City of Charlotte Department of Transportation. The city's point of contact for this type of request is Mr. Scott Putnam, P.E.

We hope that we have addressed your issues. If you need any additional assistance, please advise.

Regards,


Louis L. Mitchell, P.E.