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 its intent to close the street and calling a public hearing on the question; said statute 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 its 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 861.

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

[Signature]
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 9th day of February, 2009.

[Signature]

Stephanie C. Kelly, CMC, City Clerk
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-1'

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)

Right of Way Abandonment Map

Meridale Subdivision, Phase I

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\513718-S\ROW-Abandonment.dwg

Revision: 07/21/08 to remove 30' easement in (DB 3312, PG 336) - reference DB 23634, PG 374

Revision: 07/28/08 to add area of R/W Abandonment
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 or title lines. This map is not intended to meet the requirements of N.C. Board Rule 1521 (21 NCAC 56) or N.C.G.S. 47-30.

Users of this map are required to use sheet A-1, A-2, A-3, A-4, & B-1 recorded hereon.

The property does not lie within a special flood hazard area as shown on firm map 370155-0000, dated February 4, 2004.

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 370155-0000, dated February 4, 2004.

Eagle Engineering

2013 Van Buren Avenue
Indian Trail, NC 28079
(704) 832-4222
www.eaglenorth.net

R/W Abandonment Map

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: m:drawings/3718-5\row\abandonment.dwg 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.
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.

DEED REFERENCE: BK. 4560, PG. 229

NOTES:

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

LINE TABLE

<table>
<thead>
<tr>
<th>LINE</th>
<th>LENGTH</th>
<th>BEARING</th>
<th>LINE</th>
<th>LENGTH</th>
<th>BEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>26.37</td>
<td>S82°32'47&quot;W</td>
<td>L2</td>
<td>63.30</td>
<td>N89°40'31&quot;E</td>
</tr>
<tr>
<td>L2</td>
<td>17.09</td>
<td>S83°24'19&quot;W</td>
<td>L3</td>
<td>89.96</td>
<td>N82°06'17&quot;E</td>
</tr>
<tr>
<td>L3</td>
<td>61.36</td>
<td>N88°30'06&quot;W</td>
<td>L4</td>
<td>52.15</td>
<td>N79°32'30&quot;W</td>
</tr>
<tr>
<td>L4</td>
<td>45.35</td>
<td>N86°46'36&quot;W</td>
<td>L5</td>
<td>86.10</td>
<td>N84°36'50&quot;E</td>
</tr>
<tr>
<td>L5</td>
<td>46.02</td>
<td>N86°28'27&quot;W</td>
<td>L6</td>
<td>57.30</td>
<td>N80°24'47&quot;E</td>
</tr>
<tr>
<td>L6</td>
<td>139.43</td>
<td>N86°20'06&quot;W</td>
<td>L7</td>
<td>90.01</td>
<td>N74°24'24&quot;E</td>
</tr>
<tr>
<td>L7</td>
<td>84.44</td>
<td>N84°33'34&quot;W</td>
<td>L8</td>
<td>89.84</td>
<td>N74°19'31&quot;E</td>
</tr>
<tr>
<td>L8</td>
<td>90.33</td>
<td>N84°12'51&quot;W</td>
<td>L9</td>
<td>84.10</td>
<td>N72°53'14&quot;E</td>
</tr>
<tr>
<td>L9</td>
<td>89.55</td>
<td>N83°57'24&quot;W</td>
<td>L10</td>
<td>139.83</td>
<td>N72°00'50&quot;E</td>
</tr>
<tr>
<td>L10</td>
<td>50.22</td>
<td>N83°57'42&quot;W</td>
<td>L11</td>
<td>47.39</td>
<td>N72°25'57&quot;E</td>
</tr>
<tr>
<td>L11</td>
<td>72.46</td>
<td>S84°26'02&quot;E</td>
<td>L12</td>
<td>45.28</td>
<td>S84°26'32&quot;E</td>
</tr>
<tr>
<td>L12</td>
<td>73.25</td>
<td>S74°30'36&quot;W</td>
<td>L13</td>
<td>56.25</td>
<td>S74°30'30&quot;E</td>
</tr>
<tr>
<td>L13</td>
<td>77.30</td>
<td>S74°08'18&quot;W</td>
<td>L14</td>
<td>57.04</td>
<td>S73°59'09&quot;E</td>
</tr>
<tr>
<td>L14</td>
<td>86.34</td>
<td>S72°30'17&quot;E</td>
<td>L15</td>
<td>12.09</td>
<td>N71°41'07&quot;W</td>
</tr>
<tr>
<td>L15</td>
<td>62.48</td>
<td>S89°40'53&quot;W</td>
<td>L16</td>
<td>21.91</td>
<td>N75°42'47&quot;E</td>
</tr>
<tr>
<td>L16</td>
<td>30.40</td>
<td>S80°15'39&quot;W</td>
<td>L17</td>
<td>14.59</td>
<td>S73°24'12&quot;E</td>
</tr>
<tr>
<td>L17</td>
<td>48.73</td>
<td>N39°44'01&quot;W</td>
<td>L18</td>
<td>35.92</td>
<td>N16°23'15&quot;E</td>
</tr>
<tr>
<td>L18</td>
<td>30.14</td>
<td>N50°15'39&quot;E</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 USE WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM MAP 370199-0101, DATED FEBRUARY 4, 2004.

FOR THE BENEFIT OF YOUNG'S POND, LLC

R/W ABANDONMENT MAP

MERIDALE SUBDIVISION, PHASE 1

CITY OF CHARLOTTE, MECKLENBURG COUNTY, N.C.

SCALE: 1"=100'

REFERENCE IN BOOK: PAGE

DEED REFERENCE IN BOOK: PAGE

R/W ABANDONMENT MAP

840199-0101
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, 2008, 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 the 9th day of February, 2009.

[Signature]

Stephanie C. Kelly, CMC, City Clerk
ABANDONMENT SURVEY OF EAST INDEPENDENCE BOULEVARD (N.C. Highway 74)  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
SCALE 1" = 40'  NOVEMBER 9, 2007  

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  

Plaza Industries, Inc.  
Tax I.D.: 081177722  
Zoning: B-2  
no deed found  

A.G. ZOUTEWELLE  
SURVEYORS  
1400 East火烧山, Charlotte, NC 28204  
2007 (ABANDON-1007) 01
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.
February 9, 2009
Resolution Book 41, Page 863

EXHIBIT C

**NC EXCISE TAX**

STATE HIGHWAY PROJECT 0711005
F. A. PROJECT F 18-2 (25)
TAX LET 081-172-19, 20, 21 TDU-209 C
COUNTY OF NE CKL M B URG
PARCEL 45

THIS FEE SIMPLE DEED, entered into this the 26th day of
FEBRUARY, 1984, by and between RALPH L. BURT AND VIVE FLORENCIA
M. 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 noted) the right of way located in CHARLOTTE,
Towship, 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 Contracting, Inc., now or formerly, and a straight line, said
straight line having first beginning point 90 Ft. north of and normal to Survey Line 35+00, its beginning point 92 Ft. north of
and normal to Survey Station 35+00; thence in an easterly
direction in a straight line to a point located 92 Ft. north of and
normal to Survey Station 37+60, 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 33+35, Survey Line L; thence continuing in an
easterly direction 92 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 Railroad 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. 136-19.4, 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+35 and Survey Station 36+28; 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 extension of
the line of the undersigned as shown on the final plans of the project.
February 9, 2009
Resolution Book 41, Page 864

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
composite 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:

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 owners' right of access thereto as at common law; subject,
however, to the right of the DEPARTMENT to reasonably regulate said
property owners' 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 foresaid 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, whatsoever except for the
exceptions hereinafter stated. Title to the property heretofore
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
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)  Fioseine F. Burt
(Seal)

STATE OF NORTH CAROLINA Meck COUNTY

My Commission expires S-14-94

I, Bobby D. Little, a Notary Public, for the above said
County and State do hereby certify that

Ralph L. Burt, executors of

said property owners personally appeared before me this day and acknowledged the
due execution of the foregoing instrument.

My Commission expires S-14-94

Notary Public, Meck County

Registered title: REAL ESTATE EXCISE TAX

Dated: May 15, 1994

By: [Signature]

Typed or printed name of Notary

Deputy Register of Deeds

Hecklenburg County
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 if 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.