

RESOLUTION TO CLOSE A PORTION OF ALLEYWAY BETWEEN SCOTT AVENUE AND  
FOUNTAIN VIEW STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY,  
NORTH CAROLINA

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WHEREAS, 1401 East Blvd, LLC (Petitioner), in connection with the planned redevelopment of its property, as generally depicted in Rezoning Petition 2022-037 approved by City Council on May 15, 2023, requested the city's abandonment of a portion of alleyway between Scott Avenue and Fountain View Street (Petition No. 2023-000881A); and

WHEREAS, pursuant to the provisions of Chapter 160A-299 and S.L. 1987-426 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of alleyway between Scott Avenue and Fountain View Street which calls for a public hearing on the question; and

WHEREAS, Petitioner has caused a copy of the Resolution of Intent to abandon a portion of alleyway between Scott Avenue and Fountain View Street to be sent by registered or certified mail to all owners of property adjoining said right-of-way and prominently posted a notice of the proposed abandonment and public hearing in at least two places along said street or alleyway, all as required by G.S.160A-299; and

WHEREAS, the city may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to G.S.160A-299; and

WHEREAS, an easement shall be reserved in favor of AT&T over, upon, and under the area petitioned to be abandoned to access (ingress, egress, and regress), maintain, install, protect, operate, add to, modify, and replace AT&T facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, an easement shall be reserved in favor of Duke Energy over, upon, and under the area petitioned to be abandoned to access (ingress, egress, and regress), maintain, install, protect, operate, add to, modify, and replace Duke Energy facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, Petitioner has agreed, at its sole expense, to dedicate, widen, improve, and maintain a new 24-foot public access easement between Scott Avenue and Fountain View Street to ensure cross access for the public as shown on the attached map marked "Exhibit A" "Public

Access Easement". Construction of the Public Access Easement shall commence at the redevelopment of Petitioners' property and shall begin with the Fountain View Street access point to limit impacts to neighboring properties; and

WHEREAS, Petitioner has agreed to realign and dedicate a new 10-foot alleyway to serve the north-south alleyway and provide access to the Public Access Easement as shown on the attached map marked "Exhibit A"; and

WHEREAS, Petitioner has agreed, at its sole expense, to provide a concrete directional splitter island on Scott Avenue at the Scott Avenue connection to the Public Access Easement in order to limit access to adjacent properties; and

WHEREAS, Petitioner has agreed, at its sole expense, to install striping and signage along a portion of Fountain View Street (not less than 40 feet) to restrict vehicular parking in order to enable truck deliveries and trash collection for the property with a Parcel ID of 15302516 (the "Neighboring Parcel"). The locations for striping and signage shall first be approved by the Charlotte Department of Transportation in coordination with Petitioner and the property owners of the Neighboring Parcel; and

WHEREAS, during the redevelopment of Petitioner's property and construction of the Public Access Easement and thereafter, Petitioner will use commercially reasonable efforts to keep the parking lot and trash areas of the Neighboring Parcel readily accessible for the Neighboring Parcel's customers, tenants, truck deliveries, and trash pickup; and

WHEREAS, the petitioner agrees and acknowledges that these conditions and obligations are intended to run with the land and binds the petitioner and future successors, assigning these conditions and obligations; and

WHEREAS, the public hearing was opened on the 25<sup>th</sup> day of March 2024, and closed on the 22<sup>nd</sup> day of April 2024, and City Council determined that closing a portion of alleyway between Scott Avenue and Fountain View Street, subject to the aforementioned covenants and undertakings, 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 their 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 May 13<sup>th</sup>, 2024, that the Council hereby orders the closing of a portion of alleyway between Scott Avenue and Fountain View Street in the City of Charlotte, Mecklenburg County, North Carolina as shown on the map marked "Exhibit A," and as more particularly described by metes and bounds in the document marked "Exhibit B," all of which are attached hereto and made a part hereof. This action shall be effective on the date of, but not before, the recording of the new 24-foot Public Access Easement and dedication of the 10-foot public alleyway in the Register of Deeds for Mecklenburg County as shown in "Exhibit A". This abandonment approval shall be void if the conditions defined within the recitals of this resolution are not met by the Petitioner as overseen by the City of Charlotte.

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.