

RESOLUTION CLOSING AN UNOPENED RIGHT-OF-WAY OFF OF DUCKWORTH AVENUE 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 an unopened right-of-way off of Duckworth Avenue which calls for a public hearing on the question; and

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close an unopened right-of-way off of Duckworth Avenue 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 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, the public hearing was held on the 23<sup>rd</sup> day of April, 2018, and City Council determined that the closing of an unopened right-of-way off of Duckworth Avenue 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 April 23, 2018, that the Council hereby orders the closing of an unopened right-of-way off of Duckworth Avenue 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", all 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.

NC GRID

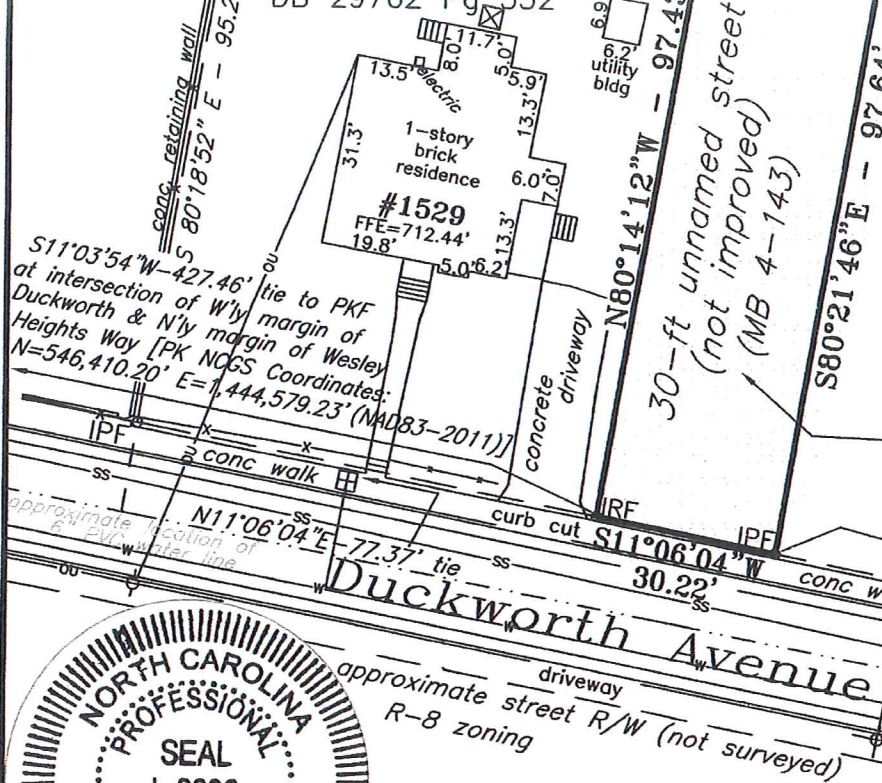
[NAD 83 (2011)(Epoch:2010.0000)]

Exhibit A  
Sheet 1 of 2

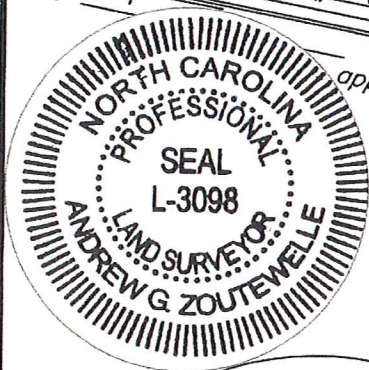
Tax # 071-017-08  
SCP Uptown Heights, LLC  
DB 31749 Pg 804  
(1517 Duckworth Ave)

Tax # 071-017-10  
SCP Uptown Heights, LLC  
DB 29762 Pg 352

Tax # 071-017-08  
SCP Uptown Heights, LLC  
DB 31749 Pg 804  
(1517 Duckworth Ave)



Area to be abandoned  
(dot-shaded): 3,015 s.f.  
(0.0692 ac.)

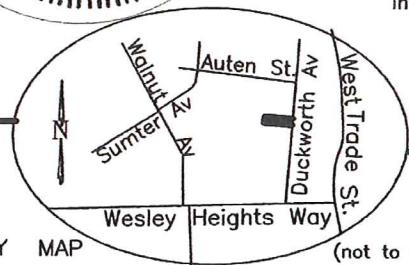


THIS SURVEY IS CERTIFIED ONLY TO: HOPPER COMMUNITIES:  
STATE OF NORTH CAROLINA, Mecklenburg County

I, ANDREW G. ZOUTEWELLE, do hereby certify that this map was drawn from an actual field survey performed under my supervision; that the precision is 1:15,000; that the angular precision is less than 7.5 seconds per angle; that this map is not intended to meet GS 47-30 recording requirements.

*Andrew G. Zoutewelle*  
Andrew G. Zoutewelle, NC PLS# L-3098

12/14/17  
Date



**A.G. ZOUTEWELLE**  
**SURVEYORS**  
1418 East Fifth St. Charlotte, NC 28204  
Phone: 704-372-9444 Fax: 704-372-9555  
Firm Licensure Number: C-1054

Copyright 2017  
ABANDONMENT SURVEY  
**Unnamed Street adjacent to  
1529 Duckworth Avenue**  
CHARLOTTE, MECKLENBURG COUNTY, N.C.  
Prepared for: SCP Uptown Heights, LLC  
Survey Date: July 6, 2016  
30 0 30 60 90  
Scale: 1" = 30'

**SYMBOL LEGEND**

Exhibit A  
Sheet 2 of 2

- ☒ air conditioner
- ▤ catch basin/yard inlet
- ch. chord
- ⊙ cleanout
- conc. concrete
- ⊕ fire hydrant
- ⊠ gas meter
- ⊠ gas valve
- ← guy wire anchor
- IPF iron pipe found
- IRF/S Iron rebar found/set
- \* light pole
- MB,DB record map, deed references
- PKF/S PK Nail found/set
- R/W right of way
- ⊙ sanitary sewer manhole
- s.f. square feet (by coordinates)
- ⊙ storm drain manhole
- o- utility pole
- ⊠ water meter
- ⊠ water valve
- ou- overhead utility wires
- x- fence line
- ss- sanitary sewer line
- storm sewer line

\*\*\* CAUTION NOTE \*\*\*

THERE MAY BE UTILITIES OTHER THAN THOSE SHOWN. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN HEREON. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THEIR LOCATIONS.

CALL BEFORE YOU DIG  
1-800-632-4949

*GNSS Survey Metadata*

- (1) Class of Survey: "AA" (Horizontal) and "C" (vertical).
- (2) Positional Accuracy: Horizontal; 0.03 US ft; Vertical; 0.07 US ft.
- (3) Type of GPS field procedure: RTK Network (VRS)
- (4) Date of survey: November 11, 2015
- (5) Datum/Epoch: NAD 83 (2011)(Epoch:2010.0000)
- (6) Published/Fixed-control used: North Carolina RTK Network
- (7) Geoid Model: GEIOD\_12A
- (8) Combined Grid Factor: 0.999848962045
- (9) Units: U.S. Survey Feet

**GENERAL NOTES:**

1. Tax Identification Numbers shown hereon per Mecklenburg County G.I.S.
2. Area to be abandoned shown hereon computed by coordinates.
3. Source of title shown hereon per Mecklenburg County Register of Deeds. [Grantee (for all adjacent tracts) is SCP Uptown Heights, LLC]. See also plats recorded in Map Book 4, Page 143 and Map Book 332, Page 415.
4. This survey does not reflect a complete title examination which may reveal additional easements, restrictions, and other matters of title.
5. This survey reflects utilities as per (1) observed surface indications; (2) Charlotte Water (CW) Department customer service maps; and (3) surface paint designation markings provided by the NC ONECALL Utility Location Service (1-800-632-4949). If additional utilities information is required, the owner should contract a private utility locator to investigate specific areas of concern.
6. Grid orientation and control established by multiple sessions of RTK observations (Minimum 120 Epochs of RTK readings per session, PDOP values of less than 3 for all sessions). The RTK observations utilized the GPS GLOSASS constellation.
7. Per FEMA Flood Insurance Rate Map (FIRM) 3710454400J dated 9-2-15 this property is situated entirely within Zone X (areas outside of the 100-year Flood Zone).



*Andrew G. Zoutewelle* 12/14/17

Andrew G. Zoutewelle, NC PLS# L-3098

Copyright 2017

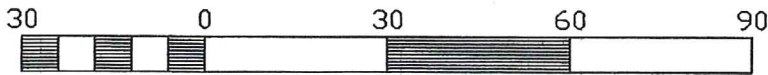
ABANDONMENT SURVEY

**Unnamed Street adjacent to  
1529 Duckworth Avenue**

CHARLOTTE, MECKLENBURG COUNTY, N.C.

Prepared for: SCP Uptown Heights, LLC

Survey Date: July 6, 2016



Scale: 1" = 30'

# Legal Description

BEING all that certain unopened and unimproved platted right of way located within the City of Charlotte, Mecklenburg County, North Carolina, and intersecting with the westerly margin of Duckworth Avenue north of Wesley Heights Way and south of Auten Street, and being more particularly described as follows:

Commencing at an existing surveyor's PK nail located at the intersection of the northerly right-of-way margin of Wesley Heights Way, said right-of-way being 60 feet in width as shown on that certain plat recorded in Map Book 332 Page 415 and Map Book 3 Page 495 of the Mecklenburg County Registry, and the westerly margin of Duckworth Avenue, said right-of-way margin being 30 feet in width as shown on that certain plat recorded in Map Book 3 Page 495, said PK nail having NCGS Coordinates Northing 546,410.20 feet and Easting 1,444,579.23 feet [NAD 1983 (2011)] and running thence, along the westerly margin of said Duckworth Avenue, the following two (2) courses and distances: North 11-03-25 East 350.10 feet to an existing iron pipe; and (2) North 11-06-04 East 77.37 feet to a new iron pin set at the intersection of the westerly margin of Duckworth Avenue and the southerly margin of a thirty (30) foot unnamed street, as shown on that certain plat recorded in Map Book 4, Page 143, the POINT AND PLACE OF BEGINNING. Thence, along the property of SCP Uptown Heights, LLC, as described in Deed Book 31749 Page 804, the following five (5) courses and distances: (1) North 80-14-12 West 97.43 feet to an existing iron pipe at the southerly terminus of the aforesaid unnamed street; (2) North 00-43-26 East 30.37 feet to a point at the northerly terminus of the aforesaid unnamed street; (3) South 80-20-10 East 5.27 feet to an existing iron pin; and (4) South 80-21-46 East 97.64 feet to an existing iron pipe at the intersection of the northerly margin of the aforesaid thirty foot unnamed street and the westerly margin of Duckworth Avenue, said existing iron pipe being located South 11-21-07 West 104.03 feet from an existing iron pin marking the northeasterly corner of the property of SCP Uptown Heights, LLC; and (5) with the westerly margin of Duckworth Avenue South 11-06-04 West 30.22 feet to the point and place of BEGINNING, containing 3,015 square feet (0.0692 acre), more or less, all as shown on a survey prepared by Andrew G. Zoutewelle, North Carolina PLS# L-3098, dated July 6, 2016, and last revised March 29, 2017.



*Andrew G. Zoutewelle* 12/14/17

Andrew G. Zoutewelle, NC PLS# L-3098

Copyright 2017  
 ABANDONMENT SURVEY  
**Unnamed Street adjacent to  
 1529 Duckworth Avenue**  
 CHARLOTTE, MECKLENBURG COUNTY, N.C.  
 Prepared for: SCP Uptown Heights, LLC  
 Survey Date: July 6, 2016

Scale: 1" = 30'