

RESOLUTION TO CLOSE THE ALLEYWAY OFF NORTH BREVARD STREET BETWEEN ALPHA MILL LANE AND BELMONT 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 the Alleyway off North Brevard Street between Alpha Mill Lane and Belmont 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 the Alleyway off North Brevard Street between Alpha Mill Lane and Belmont Avenue 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 closing and public hearing in at least two places along said street or alleys, 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 the City of Charlotte 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 Charlotte Water facilities, the existing facilities are noted on the attached map marked "Exhibit A"; and

WHEREAS, pursuant to a separate instrument to be recorded in the Mecklenburg County Public Registry (the "Temporary Access Easement Agreement"), a 23 foot wide temporary access easement shall be reserved in favor of the City of Charlotte over, upon, and across a portion of the area petitioned to be abandoned to provide temporary access from North Brevard Street to the North Carolina Railroad Corridor, as leased to the City for LYNX Blue Line Extension use and occupancy ("Transit Corridor"), as noted on the attached map marked "Exhibit A"; this temporary access easement shall automatically terminate and no longer be in effect upon the City entering into an access agreement with CSX Transportation for access to the Transit Corridor through CSX Transportation Right of Way ("CSXT Access Agreement"); no permanent structures may be erected over the temporary easement area until such time as the easement has been terminated; 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, the public hearing was held on the 13th day of December 2021, and City Council determined that closing the Alleyway off North Brevard Street between Alpha Mill Lane and Belmont 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 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 December 13, 2021, that the Council hereby orders the closing of the Alleyway off North Brevard Street between Alpha Mill Lane and Belmont 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.