

RESOLUTION TO CLOSE JOE WHITENER ROAD IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

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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 Joe Whitener 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 Joe Whitener Road 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 a portion of the area petitioned to be abandoned for ingress, egress, and regress to access, maintain, install, and/or replace the Charlotte Water utilities as noted on the attached map marked "Exhibit A"; no permanent structures may be erected over the permanent easement area; and

WHEREAS, the public hearing was held on the 14<sup>th</sup> day of December 2020, and City Council determined that closing Joe Whitener 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 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 January 4, 2021 during a virtual meeting that included an option for written comments (of 375 words or less) to be submitted from the date of notice of the public hearing up to the 15<sup>th</sup> day of December 2020 at 11:59 p.m., that the Council hereby orders the closing of Joe Whitener Road 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. This action shall be effective on the date the right-of-way for the new alignment of Proposed Street A is conveyed, recorded, constructed, and accepted by the City of Charlotte for maintenance, as shown on rezoning petition number 2019-152. This abandonment approval shall be void if the above conditions are not met within 5-years after January 4, 2021.

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.