

RESOLUTION TO CLOSE NEWELL FARM 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 Newell Farm 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 Newell Farm 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 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, an easement shall be reserved in favor of Charter Spectrum 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 Charter Spectrum facilities, the existing facilities are noted on the attached map marked "Exhibit A"; 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 Lumen 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 Lumen facilities, the existing facilities are noted on the attached map marked "Exhibit A"; 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, the public hearing was held on the 8th day of November 2021, and City Council determined that closing Newell Farm 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 November 8, 2021, that the Council hereby orders the closing of Newell Farm 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 date the Dedication of Temporary Public Access Easement, made by Nancy E. Newton and Frank C. Newton is recorded in the Office of the Register of Deeds for Mecklenburg County, North Carolina. This abandonment approval shall be void if the conditions outlined in the Dedication of Temporary Public Access Easement, made by Nancy E. Newton and Frank C. Newton are not met within 24 months after November 8, 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.