

**RESOLUTION OF INTENT TO CLOSE AND ABANDON
A PORTION OF (OLD) MCCOY ROAD IN THE
TOWN OF HUNTERSVILLE, NORTH CAROLINA**

WHEREAS, North Carolina General Statute §160A-299 authorizes municipalities to permanently close any street or public alley, and reserve any improvements or easement for utilities considered to be in the public interest; and

WHEREAS, in November 2012 the Town acquired 30,248 square feet, or 0.694 acres of property, also identified by Tax ID# 015-321-98, and in March 2013 the Town acquired 50,003 square feet, or 1.148 acres of property, also identified by Tax ID# 015-321-99. Both adjoining parcels of land were acquired specifically for road improvements along a portion McCoy Road, which is a NCDOT maintained road; and

WHEREAS, a portion of McCoy Road was realigned and improved by NCDOT, leaving two (2) tracts from the old McCoy Road right way in need of abandonment (2,561 square feet, or 0.0588 acres on the west side of Julian Clark Avenue, and 8,017 square feet, or 0.1841 acres on the east side of Julian Clark Avenue), as described herein below:

Area to be abandoned by NCDOT #1:

That certain parcel or tract of land situated, lying and being in the Town of Huntersville, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

Commencing at an existing iron rod, situated at the intersection of the southerly margin of Julian Clark Avenue (a variable width public right-of way) as shown on Map Book 22, Page 249 with the northwesterly corner of the lands of Paak-EM, LLC as described in Deed Book 10641, Page 920 and being Lot 2 as shown on Map Book 31, Page 543; thence North 62°44'56" West a distance of 39.25 feet to a point, situated at the intersection of the former eastern right of way of McCoy Road (a 36' prescribed right-of-way per NCDOT) with the new southerly margin the of Julian Clark Avenue and being the Point of Beginning; thence along the aforesaid former eastern right of way a curve to the right said curve having an arc length of 76.62 feet a radius of 1635.57 feet (chord bearing of South 38°20'07" West and chord distance of 76.61 feet) to a point; situated on a new northerly margin of Kinnamon Road (a variable width public right-of-way); thence along the aforesaid northerly margin North 64°24'44" West a distance of 29.81 feet to a point, situated on a new easterly margin of McCoy Road (a variable width public right-of way) (SR #2138); thence along the new easterly margin for the following three (3) courses and distances: 1) North 25°21'23" East a distance of 29.22 feet to a point; 2) with a curve to the left having an arc length of 35.67 feet a radius of 1599.57 feet (chord bearing of North 38°17'04" East and chord distance of 35.67 feet) to a point, 3) North 66°22'26" East a distance of 7.88 feet to a point situated on the aforesaid new southerly margin of Julian Clark Avenue; thence with a curve to the right having an arc length of 34.21 feet a radius of 220.20 feet (chord bearing of South 72°23'07" East and chord

distance of 34.17 feet) to the Point of Beginning; Containing 2,561 square feet or 0.0588 acres, as shown on an exhibit map prepared by R. B. Pharr & Associates, P.A. dated, October 9, 2015 last revised November 29, 2016(Map File No. W-4901)(Project No. 82595).

Area to be abandoned by NCDOT #2:

That certain parcel or tract of land situated, lying and being in the Town of Huntersville, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

Commencing at an existing iron rod, situated at the intersection of the southerly margin of Julian Clark Avenue (a variable width public right-of way) as shown on Map Book 22, Page 249 with the northwesterly corner of the lands of Paak-EM, LLC as described in Deed Book 10641, Page 920 and being Lot 2 as shown on Map Book 31, Page 543; thence North 04°22'27" West a distance of 107.56 feet to a point, situated at the intersection of the former eastern right of way of McCoy Road (a 36' prescribed right-of-way per NCDOT) with a new northerly margin the of Julian Clark Avenue and being the Point of Beginning; thence along the aforesaid new northerly margin with a curve along the arc of a curve to the left said curve having an arc length of 36.19 feet a radius of 319.25 feet (chord bearing of North 70°01'50" West and chord distance of 36.18 feet) to a point on the westerly right of way margin of McCoy Road (a variable width public right-of way) (SR #2138); thence along the westerly margin for the following two (2) courses and distances; 1) with a curve along the arc of a curve to the left said curve having an arc length of 75.35 feet a radius of 232.65 feet (chord bearing of North 04°37'23" East and chord distance of 75.02 feet) to a point; 2) thence with a curve to the left said curve having an arc length of 74.49 feet a radius of 926.69 feet (chord bearing of North 10°46'05" East and chord distance of 74.47 feet) to a point on the eastern right of line of the new McCoy Road alignment, thence with the new alignment the following three (3) courses; 1) with a curve along the arc of a curve to the left said curve having an arc length of 9.67 feet a radius of 611.20 feet (chord bearing of North 01°41'37" East and chord distance of 9.67 feet) to a point; 2) with a curve to the left said curve having an arc length of 57.08 feet a radius of 853.50 feet (chord bearing of North 00°41'39" East and chord distance of 57.07 feet) to a point 3) North 01°57'35" West a distance of 59.51 feet to a point, situated on the former easterly right of way of McCoy Road (a 36' prescribed right-of-way per NCDOT); thence along the aforesaid easterly right of way for the following three (3) courses and distances; 1) South 15°57'35" East a distance of 79.09 feet to a point; 2) with a curve along the arc of a curve to the right said curve having an arc length of 121.81 feet a radius of 962.69 feet (chord bearing of South 12°01'14" East and chord distance of 121.73 feet) to a point; 3) with a compound curve along the arc of a curve to the right said curve having an arc length of 92.06 feet a radius of 268.65 feet (chord bearing of South 04°53'59" West and chord distance of 91.61 feet) to the Point of Beginning; Containing 8,017 square feet or 0.1841 acres, as shown on an exhibit map prepared by R. B. Pharr & Associates, P.A. dated, October 9, 2015, last revised November 29, 2016 (Map File No. W-4901)(Project No. 82595).

The above referenced map prepared by R. B. Pharr & Associates, P.A., dated October 9, 2015, last revised November 29, 2016, is available for inspection at the Planning Department located at 105 Gilead Road, 3rd Floor, Huntersville North Carolina.

WHEREAS, a Petition was filed requesting that a portion of the right of way for the (old) McCoy Road be closed and abandoned.

NOW, THEREFORE, be it **RESOLVED** that the Board of Commissioners intends to close and abandon that portion of the old McCoy Road right of way, as described herein, pursuant to the provisions of North Carolina General Statute §160A-299, and that a public hearing to consider the question of closing and abandoning such portion of old McCoy Road be set for February 6, 2017, at 6:30 p.m., at the regular meeting of the Commissioners. It is directed that the Resolution of Intent to Close and Abandon be published in a newspaper of general circulation in Huntersville for four (4) successive weeks prior to the hearing; that a notice of closing and public hearing be posted at two (2) places along the portion of the street to be closed; that copy of the Resolution be sent by certified or registered mail to owners of the property adjacent to the portion of the street to be closed, as shown on the County tax records, and that a copy be sent to the North Carolina Department of Transportation.

Adopted this 19th day of December 2016.

TOWN OF HUNTERSVILLE

ATTEST:

Janet Pierson, Town Clerk

John Aneralla, Mayor

(SEAL)

APPROVED AS TO FORM:

Robert B. Blythe, Town Attorney