

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

PETITION FOR ABANDONMENT
OF ROADWAY EASEMENT

To the Members of the Board of Commissioners of the Town of Huntersville, Mecklenburg County, North Carolina:

Bank of America, N.A. as Trustee for the Nations Bank Pension Plan (the "Petitioner") and PAAK-EM, LLC hereby file this Petition to request the abandonment of that portion of the former right-of-way for McCoy Road adjoining the property of Bank of America known as the Huntersville Business Park north of Julian Clark Boulevard and the property of PAAK-EM, LLC located to the south of Julian Clark Boulevard and outside the right-of-way for Julian Clark Boulevard as extended to the new right-of-way for McCoy Road as shown on the map attached as **Exhibit 1** to this Petition.

In support of this Petition, the Petitioners respectfully show the commission:

1. From an examination of the public records, the Petitioners are informed that the former McCoy Road ("Old McCoy Road") was built by the State or by Mecklenburg County many years ago pursuant to a maintenance agreement or an easement by prescription.

2. The Petitioners are informed that the former right-of-way for Old McCoy Road extended from ditch to ditch for a total of thirty-six feet which included eighteen feet of pavement with nine feet from the edge of the pavement on each side for a ditch.

3. The pavement and ditches within the easement for Old McCoy Road have been destroyed and the portion of the old easement shown on **Exhibit 1** are no longer in existence.

4. The North Carolina Department of Transportation has relocated McCoy Road which was to be a sixty foot right-of-way running along and with the property line of lots within the Village of Stratton Farm at Cedarfield Plantation (Cedarfield) as shown on **Exhibit 1** attached.

5. Because the actual pavement for the new McCoy Road right-of-way is outside a 60 foot strip running along Cedarfield Plantation, the right-of-way for McCoy Road is shown as 70 feet on **Exhibit 1**.

6. The Petitioner and PAAK-EM, LLC, as owners of land abutting Old McCoy Road are now owners of the property within 18 feet of the centerline of the old easement for Old McCoy Road and the western boundary of their tracts as shown on **Exhibit 1**.

7. The Town of Huntersville is the owner of the western 18 feet of the Old McCoy Road easement and a remnant of property located between the old easement and the western margin of the right-of-way for McCoy Road excluding the right-of-way for Julian Clark Boulevard Extension as shown on **Exhibit 1**.

8. Piedmont Natural Gas Company, Inc. owns easements near the east side, but not abutting the Old McCoy Road and is the owner of a small parcel designated as Mecklenburg County Tax Parcel 017-173-04 as shown on **Exhibit 1**. Piedmont Natural Gas Company has used a portion of Petitioner's property to access the former right-of-way for McCoy Road and Petitioner does not intend to preclude such access to the new right-of-way for McCoy Road.

9. The Petitioner, Bank of America, wishes to acquire the eastern 18 feet within the easement for Old McCoy Road and the remnant property between Old McCoy Road and the new right-of-way (the "Town Property") subject to the right-of-way for Julian Clark Boulevard, a 20 foot access easement from the Piedmont Natural Gas parcel to the new right-of-way for McCoy Road and all easements of record running along and with Old McCoy Road.

10. The closing of the Old McCoy Road is in no way contrary to the public interest.

11. No person, firm or corporation owning property within the vicinity of the easement being closed will be deprived of reasonable means of access to its property by virtue of the closing.

12. A more particular description of the areas of the old roadbed of McCoy Road to be abandoned both north and south of Julian Clark Boulevard are attached.

13. Neither the area within Old McCoy Road nor the remnant parcel owned by the Town is being maintained by the North Carolina Department of Transportation.

14. Part of the reason for this Petition to close Old McCoy Road and to acquire the Town Property north of Julian Clark Boulevard is to enable Bank of America to see that it is properly maintained as part of the Huntersville Business Park that is located on the Bank of America's adjoining property.

WHEREFORE, the Petitioners respectfully request the Board of Commissioners for the Town of Huntersville to grant this Petition to close that portion of Old McCoy Road as shown on **Exhibit 1**, to convey the Town Property to the Petitioner and to schedule a public hearing on the closure of such right-of-way as required by law.

This 29th day of August, 2016.

Bank of America, N.A., as Trustee for the Nations
Bank Pension Plan

By: 

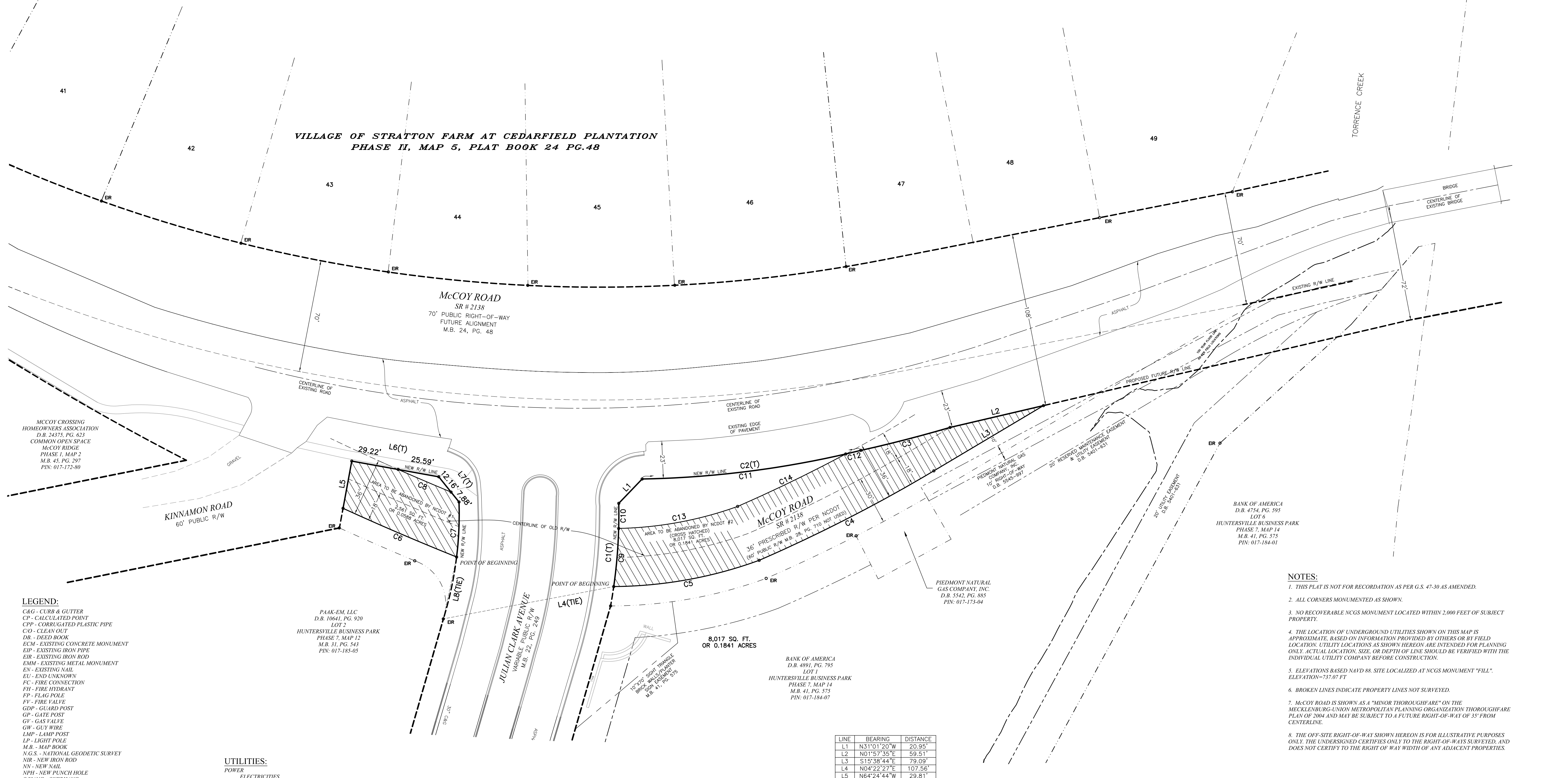
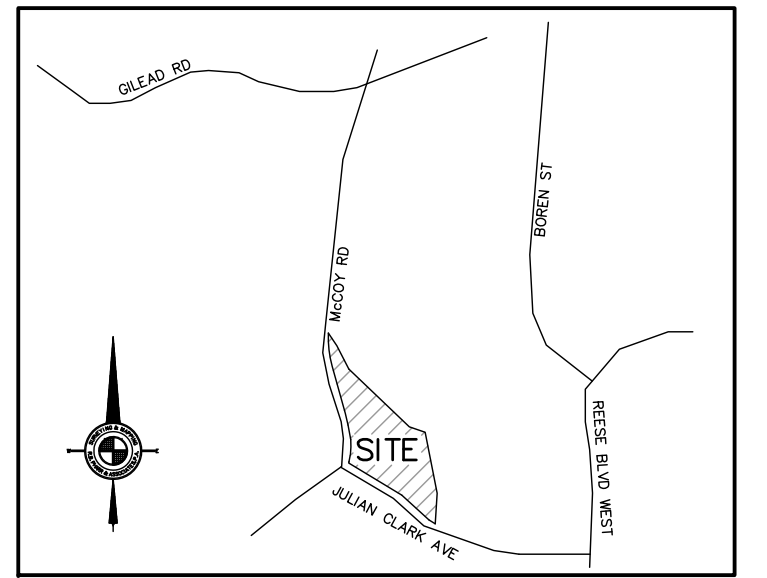
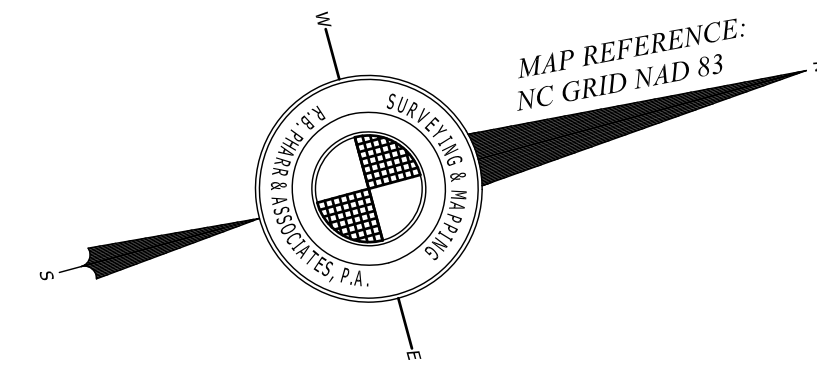
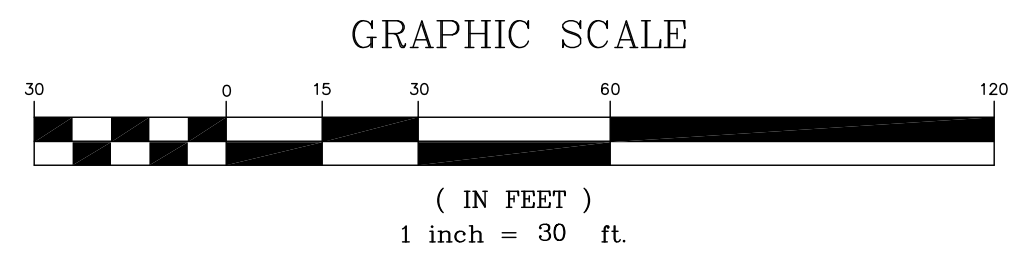
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PAAK-EM, LLC

By: 
_____, Manager

PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCE OR SALE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	319.25'	51.77'	N71°25'43"W	51.72'	9°17'31"
C2	611.20'	137.04'	N07°39'49"E	136.75'	12°50'47"
C3	853.50'	57.08'	N00°41'39"E	57.07'	3°49'54"
C4	962.69'	121.81'	S12°01'14"E	121.73'	7°14'58"
C5	268.65'	92.06'	S04°53'59"W	91.61'	19°38'01"
C6	1635.57'	76.62'	S38°20'07"W	76.61'	2°41'03"
C7	220.20'	34.21'	S72°23'07"E	34.17'	8°54'02"
C8	1599.57'	35.67'	N38°17'04"E	35.67'	1°16'40"
C9	319.25'	36.19'	N70°01'50"W	36.18'	6°29'45"
C10	319.25'	15.58'	N74°40'36"W	15.58'	2°47'46"
C11	611.20'	127.37'	N08°07'00"E	127.14'	11°56'24"
C12	611.20'	9.67'	N01°41'37"E	9.67'	0°54'22"
C13	232.65'	75.35'	N04°37'23"E	75.02'	18°33'21"
C14	926.69'	74.49'	N10°46'05"W	74.47'	4°36'21"



- LEGEND:**
- C&G - CURB & GUTTER
 - CP - CALCULATED POINT
 - CP - CORRUGATED PLASTIC PIPE
 - CO - CLEAN OUT
 - DB - DEED BOOK
 - ECM - EXISTING CONCRETE MONUMENT
 - EIP - EXISTING IRON PIPE
 - EIR - EXISTING IRON ROD
 - EMM - EXISTING METAL MONUMENT
 - EV - EXISTING NAIL
 - EU - END UNKNOWN
 - FC - FIRE CONNECTION
 - FI - FIRE HYDRANT
 - FP - FLAG POLE
 - FV - FIRE VALVE
 - GDP - GUARD POST
 - GP - GATE POST
 - GV - GAS VALVE
 - GW - GUY WIRE
 - LMP - LAMP POST
 - LP - LIGHT POLE
 - M.B. - MAP BOOK
 - NGS - NATIONAL GEODETIC SURVEY
 - NIR - NEW IRON ROD
 - NN - NEW NAIL
 - NPH - NEW PUNCH HOLE
 - OHANG - OVERHANG
 - PB - POWER BOX
 - PIN - PARCEL IDENTIFICATION NUMBER
 - PM - POWER METER
 - PMH - POWER MANHOLE
 - PP - POWER POLE
 - PG - PAGE
 - PVC - PLASTIC PIPE
 - R/W - RIGHT-OF-WAY
 - SDMH - STORM DRAIN MANHOLE
 - SSMH - SANITARY SEWER MANHOLE
 - (T) - TOTAL
 - TB - TELEPHONE BOX
 - TPED - TELEPHONE PEDESTAL
 - TSP - TRAFFIC SIGNAL BOX
 - WB - WATER BOX
 - WM - WATER METER
 - WV - WATER VALVE

- UTILITIES:**
- POWER**
 - ELECTRICITIES (704) 948-0350
 - TELEPHONE**
 - BELL SOUTH TELECOMMUNICATIONS 1-888-737-6500
 - WATER & SEWER**
 - CHAR-MECK. UTILITY DEPT. (CMUD) (704) 336-2564 WATER (704) 357-6064 SEWER
 - GAS**
 - PIEDMONT NATURAL GAS CO. 1-800-752-7504
 - CABLE TELEVISION**
 - TIME WARNER CABLE 1-800-892-2253



Know what's below.
Call before you dig.

- LINE LEGEND:**
- EASEMENT
 - PROPERTY LINE
 - PROPERTY LINE (NOT SURVEYED)
 - RIGHT-OF-WAY
 - RIGHT-OF-WAY (NOT SURVEYED)

LINE	BEARING	DISTANCE
L1	N31°01'20"W	20.95'
L2	N01°57'35"E	59.51'
L3	S15°38'44"E	79.09'
L4	N04°22'27"E	107.56'
L5	N64°24'44"W	29.81'
L6	N25°21'23"E	54.81'
L7	N66°22'26"E	20.04'
L8	N62°44'56"W	39.25'

- NOTES:**
- THIS PLAT IS NOT FOR RECORDATION AS PER G.S. 47-30 AS AMENDED.
 - ALL CORNERS MONUMENTED AS SHOWN.
 - NO RECOVERABLE NCGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
 - THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINES SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
 - ELEVATIONS BASED NAVD 88. SITE LOCALIZED AT NCGS MONUMENT "FILL". ELEVATION=737.07 FT.
 - BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
 - McCOY ROAD IS SHOWN AS A "MINOR THOROUGHFARE" ON THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION THOROUGHFARE PLAN OF 2004 AND MAY BE SUBJECT TO A FUTURE RIGHT-OF-WAY OF 35' FROM CENTERLINE.
 - THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.

PRELIMINARY PLAT
NOT FOR RECORDATION
CONVEYANCE OR SALE

THIS IS TO CERTIFY THAT ON THE 9TH DAY OF OCTOBER 2015 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND THE IMPROVEMENTS, IF ANY, ARE AS SHOWN HEREON. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, BOARD RULE 1600 (21 N.C.A.C. 56) AND THE RATIO OF PRECISION DOES NOT EXCEED AN ERROR OF CLOSURE OF ONE (1) FOOT PER 10,000 FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.

REVISIONS			SURVEY PREPARED FOR:		
05/11/15	- ADD BEARINGS AND DISTANCES.		HUNTERSVILLE BUSINESS PARK		
06/30/16	- ADJUST AREAS.		MCCOY ROAD AND JULIAN CLARK AVENUE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, NC DEED REFERENCE: AS SHOWN TAX PARCEL #: AS SHOWN		
11/29/16	- ADJUST AREAS.		R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LITETURE NIS C-1471 420 HAWTHORNE LANE CHARLOTTE, NC. 28204 TEL. (704) 376-2186		
CREW:	TR	DRAWN:	CW	REVISD:	CW
SCALE:	1" = 30'	DATE:	OCTOBER 9, 2015	FILE NO.:	W-4901
		JOB NO.:	82595		