

MEMORANDUM

To: The Honorable Mayor and Board of Commissioners
From: Robert B. Blythe, Town Attorney
Re: Closure and Abandonment of Eight Avenue and portion of Steel Street

The following is to provide background information for Eight Avenue and the portions of Steel Street:

1. According to a map dated January 31, 1956, entitled Map No. 6, Mecklenburg County, Huntersville, NC, TRENTON COTTON MILLS PROP., drawn by Findlay Withers & McConnaughey, Registered Surveyors, Gastonia, N.C., of record in the Register of Deeds, Mecklenburg County, North Carolina in Map Book 7, at Page 623, two (2) roadways were shown and indicated thereon as being Eight Avenue and Steel Street (shaded in red). A copy of said map is attached hereto as Exhibit A and incorporated herein by reference.
2. There is a Deed of record in the Register of Deeds in Deed Book 2564, at Page 433, that conveys "...all of Lot Number Three (3) of Block H of that certain property shown on *revised* map of the Trenton Cotton Mills property platted by Sam Rowe, Jr., Surveyor dated June 18, 1964, which map is recorded in Plat Book 12 on page 1 (emphasis added)", a copy of which are attached hereto as Exhibits B and C, respectively.
3. As shown on Exhibit C, Lot 3 was revised to include a portion of the eastern side of Eight Avenue, as follows: Beginning at an old iron pin in the northeastern corner of Lot 3, Block H, Map 4, thence S 85-46 W 135.47 feet to an old iron pin at the northwestern corner of Lot 3, Block H, Map 4 at the easterly margin of Steel Street; thence N 4-19 W 12.54 feet to a new iron pin; thence S 84-07 W 105.56 feet crossing an iron pin and continuing 30.0 feet to a new iron pin; thence south 16.4 feet back to the beginning. This revision may not have effectively withdrawn a dedication of right of way for the eastern portion of Eight Avenue, although all right, title, and interest in the right of way was conveyed by Deed to the adjoining property owners lying on the north and south of its centerline. See the highlighted section in yellow on Exhibit C for the portion conveyed to Lot 3 by Deed referenced in Exhibit B.
4. Both Lots adjoining the eastern side of Eight Avenue have since been transferred in ownership and are now part of the real estate known as the "Anchor Mill" property, which was conveyed to the Town of Huntersville by Deed dated June 22, 1998, of record in the aforesaid Register of Deeds in Deed Book 9756, at Page 458, a copy of which is attached hereto as Exhibit D, and incorporated herein by reference. However, the right of way continues to show on the Mecklenburg County GIS land records.
5. The western portion of Eight Avenue from the eastern margin of Church Street to the western margin of Steel Street is an unopened street, and to the best of Petitioner's

knowledge was neither dedicated, accepted, opened, nor has it been maintained by the Town as a street to serve the public. See the highlighted section in green on Exhibit C.

6. The northern portion of Steel Street beginning at an iron rod in the northwestern corner of the revised Lot 3, Block H, Map running S 89-57 W 24.92 feet to an iron pin in the corner in the northwestern corner of Eight Avenue at the Steel Street intersection, approximately 25 feet wide, and continuing north into Anchor Mill for an approximate distance of 488.3 feet (see Exhibit C, in blue), is a portion of Steel Street that has not been accepted or maintained by the Town, and no longer serves the public. The right of way was provided for ingress and egress for the three (3) dwellings located on Anchor Mill that no longer exist.
7. There is a portion of Steel Street beginning at the Anchor Mill property line, approximately 24.92 feet wide, and heading south for approximately 60.39 feet to the northwestern corner of Lot 2, Block H, Map 4, currently owned by Alberk Empire, LLC, and Duke Power Company to the west of Steel Street.
8. The Petitioner wishes to close and abandon Eight Avenue in its entirety beginning from the easterly margin of Church Street and continuing to the westerly margin of Steel Street, and the portion of Eight Avenue from the easterly margin of Steel Street for approximately 135.47 feet to its end, and close and abandon the northern portion of Steel Street beginning at the Anchor Mill property line to the north for approximately 488.3 feet and approximately 60.39 feet to the south of the Anchor Mill property line.
9. The closing of the streets is not contrary to the public interest, and no individual owning property in the vicinity of the streets will be deprived of reasonable means of ingress and egress to his property.
10. Upon closing of a street in accordance with NCGS §160A-299(c), all right, title, and interest in the right of ways shall be conclusively presumed to be vested in the those persons owning lots or parcels of land adjacent to the street, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the streets. The adjoining land owners of the streets are the Town of Huntersville (Parcel No.'s 019-022-01, 019-021-08), and Duke Power Co. (Parcel No. 019-021-07).