

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 2018 / 21-63

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 15th DAY OF NOVEMBER, 2021, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 21-02

To abandon the eastern 365 feet of the Barbee Avenue right-of-way, between 908 to 920 Barbee Avenue. A 50-foot wide improved right-of-way lying between Guilford County Tax Parcels 190710, 190711, 190712, 190713, and 1900041.

Abutting Property Owners

High Point University:—Guilford County Tax Parcels 190710, 190711, 190712, and 1900041 (908, 914, 916 & 920 Barbee Avenue; and 612 N. Centennial Street).

Lily Pad Investors, LLC:—Guilford County Tax Parcel 190713 (912 Barbee Avenue)

WHEREAS, High Point University and Lily Pad Investors, LLC has petitioned the City Council of the City of High Point to permanently abandon (close) the eastern 365 feet of the Barbee Avenue right-of-way, between 908 to 920 Barbee Avenue. This is an improved right-of way that runs in a general east-west direction between Guilford County Tax Parcels 190710, 190711, 190712, 190713, and 1900041, and more specifically described as follows:

Beginning at a point in the southern right-of-way of Barbee Avenue, the northwest corner of Lot No. 2 of a plat entitled "Map of Section Two of the M. J. Wrenn Property" as recorded in Plat Book 13 Page 76 of the Guilford

County Register of Deeds, said point being in the western terminus of the Barbee Avenue right-of-way as described in Street Abandonment Case 18-01, Resolution 1808/18-70, approved by the City of High Point Council and as recorded in Deed Book 8112 Page 234 of the Guilford County Register of Deeds; thence in an westerly direction along the northern property lines of Lot Nos. 3, 4, 5 and 6 of the aforementioned plat, the same being the southern limits of the 50 foot public right-of-way of Barbee Avenue; thence continuing in a westerly direction along the southern right-of-way of Barbee Avenue, with the northern lines of properties described in Deed Book 8164 Page 2525 and Deed Book 8184 Page 3047 of the Guilford County Register of deeds to a point, the northeast corner of property described in Deed Book 3564 Page 713 of the Guilford County Register of Deeds, said point also being in the southern limits of the public right-of-way of Barbee Avenue as indicated on a Plat entitled "Map of Geo F. Wilson Property" as recorded in Plat Book 7 Page 108 of the Guilford County Register of Deeds; thence in a northerly direction crossing the Barbee Avenue right-of-way approximately 50 feet to a point in the northern limits of the public right-of-way of Barbee Avenue; Thence in an easterly direction along the northern right-of-way of Barbee Avenue as indicated in a Recombination Plat entitled "Exclusion Map for High Point University – Health Science Area" and as recorded in Plat Book 192 Pages 94 and 95 of the Guilford County Register of Deeds to a point in the northern right-of-way of Barbee Avenue, said point being in the western terminus of the Barbee Avenue right-of-way; thence crossing Barbee Avenue in a southern direction along its western terminus approximately 50 feet to the place and point of beginning.

- WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 20th day of September, 2021, at 5:30 p.m. setting the 15th day of November, 2021 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and
- WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning October 21 & 28, 2021 and November 4 & 11, 2021; and,
- WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of the above described unimproved right-of-way; and
- WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for

ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That all of the eastern 365 feet of the Barbee Avenue right-of-way (a 50 foot wide right-of-way). This right-of-way is depicted on two recorded maps. First, on a map recorded in June 1926 entitled "Map of Geo. F. Wilson Property – High Point, N.C." in Plat Book 7 Page 108 and secondly on a map recorded in July 1944 entitled "Map of Section Two of the M. J. Wrenn Property - High Point N.C." Plat Book 13 Page 76. The right-of-way to be closed (abandoned) is described above and is to be closed pursuant to North Carolina G.S. 160A-299;
2. A 20-foot wide stormwater easement centered over all existing stormwater lines within and crossing the Barbee Avenue right-of-way;
3. A 20-foot wide sanitary sewer easement centered over all existing sewer lines within and crossing the Barbee Avenue right-of-way;
4. A 20-foot wide water easement centered over all existing water lines within and crossing the Barbee Avenue right-of-way;
5. A 30-foot wide Piedmont Natural Gas easement offset over all existing gas lines within and crossing the Barbee Avenue right-of-way. This easement shall extend 10 feet south of existing gas lines and 20 feet north of existing gas lines.
6. A 30-foot wide electric utility easement, which includes electric lines, City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines and existing poles within and crossing the Barbee Avenue right-of-way; and
7. A 15-foot wide NorthState Communications easement shall be retained for NorthState Communication utility lines and poles that are separate from City electric lines and poles. This easement shall be centered over these separate NorthState Communication utility lines and poles that are within and crossing the Barbee Avenue right-of-way.
8. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 15th day of November, 2021

Mary S. Brooks, Deputy City Clerk