

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1695 / 17-42

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 7th DAY OF AUGUST, 2017, AT 5:30 P.M. IN THE HIGH POINT THEATRE, GALLERY B, 220 E. COMMERCE AVENUE, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 17-02

(abandon the eastern portion of E. Farriss Avenue and abandon a portion of Fifth Street)

WHEREAS, High Point University and the Planning & Development Department has petitioned the City Council of the City of High Point to permanently abandon (close) a portion of the E. Farriss Avenue right-of-way and a portion of the Fifth Street right-of-way:

Part A (portion of E. Farriss Avenue):

A request to abandon the eastern portion (approximately 845 feet) of the E. Farriss Avenue right-of-way, specifically the southern segment of the right-of-way lying between N. Centennial Street and Panther Drive (a private drive), which is more specifically described as follows.

The intent of this description is to describe for abandonment purposes a portion of right-of-way for Farriss Avenue as originally dedicated on "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67 of the Guilford County Register of Deeds. Said plat dedicates two parallel Farriss Avenues. All references to Farriss Avenue herein shall indicate the south most of the two Farriss Avenues as shown on said plat.

Commencing at a point on the right-of-way of Farriss Avenue and being a common corner of lot #2 and lot #3 (the northwest most corner of lot #2 and the northeast most corner of lot #3) of Block Seven of "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67 of the Guilford County Register of Deeds, said point also being shown on plat book 189, page 60 as the northeast corner of Harriet E. Brauns and William D., deed book 4348, page 2090; thence along the south right-of-way of Farriss Avenue and the north line of said lot #2, North 77 Degrees, 45 Minutes East, 60.04 feet to a point; thence with a curve to the right having a radius of 1145.66 feet for a distance of 34.96 feet to the common corner of lot #1 and lot #2 of Block Seven of "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67 to the **Point and Place of Beginning** for the herein described property; thence crossing Farriss Avenue in a northerly direction for 34 feet to a point in the north right-of-way of Farriss Avenue; thence along a curve to the right having a radius of 1179.66 feet for an approximate distance of 135 feet to a point; thence North 86 Degrees, 15 Minutes, East, 7.42 feet to a point; thence continuing with the north right-of-way of Farriss Avenue, North 86 Degrees, 15 Minutes East, approximately 148 feet to a point; thence North 86 Degrees, 15 Minutes East, 30.61 feet to a point; thence along a curve to the left having a radius of 1571.21 feet for 278.80 feet to a point; thence North 76 Degrees, 5 Minutes East, 82.30 feet to a point; thence continuing with the north right-of-way of Farriss Avenue in a northeasterly direction approximately 170 feet to the west margin of the abandoned West College Drive per resolution recorded in deed book 7559, page 56; thence in a southerly direction along the western margins of the previously abandoned West College Drive approximately 34 feet to the south right-of-way of Farriss Avenue; thence in a westerly direction with the south right-of-way of Farriss Avenue approximately 170 feet to the north east most corner of lot #1 of Block Eight of "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67; thence with the south right-of-way of Farriss Avenue and the north line of lots 1 through 4 of Block Eight of "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67, the following three calls, (1) South 76 Degrees, 5 Minutes West, 67.05 feet, (2) along a curve to the right having a radius of 1,605.21 feet an arc distance of 284.83 feet to a point; thence continuing with the south right-of-way of Farriss Avenue in an easterly direction along the northern margins of the previously abandoned section of Fifth Street per Resolution recorded in Deed Book 7274 Page 1659 approximately 155.5 feet to a point in the north line of lot #1 of Block Seven of "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67; thence continuing with the south line of Farriss Avenue and the north line of lot #1 with a curve to the left having a radius of 1145.66 feet for a distance of approximately 135 feet to the **Point and Place of Beginning**.

Together with any right-of-way of Farriss Avenue, which may have been dedicated by recordation of that "Exclusion Map for High Point University" as recorded in plat book 191, page 140.

Part B (portion of Fifth Street):

A request to abandon that portion of the Fifth Street right-of-way lying between the northern and southern segment of the E. Farriss Avenue right-of-way, which is more specifically described as follows

The intent of this description is to describe for abandonment purposes a portion of right-of-way for Fifth Street as originally dedicated on "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67 of the Guilford County Register of Deeds. Said plat dedicated a section of Fifth Street between two parallel Farriss Avenues. This section of Fifth Street was not improved, and consisted of two parallel lanes of 34 feet each, divided by a 32-foot wide island/median. The following description includes the area within the island/median.

Commencing at a point on the right-of-way of Farriss Avenue and being a common corner of lot #2 and lot #3 (the northwest most corner of lot #2 and the northeast most corner of lot #3) of Block Seven of "PLAT NO. 2 SHERWOOD PARK" as recorded in plat book 11, page 67 of the Guilford County Register of Deeds, said point also being shown on plat book 189, page 60 as the northeast corner of Harriet E. Brauns and William D., deed book 4348, page 2090; thence along the south right-of-way of Farriss Avenue and the north line of said lot #2, North 77 Degrees, 45 Minutes East, 60.04 feet to a point; thence crossing Farriss Avenue in a northerly direction for 34 feet to a point in the north right-of-way of Farriss Avenue; thence with a curve to the right having a radius of 1,179.66 feet for an arc distance of 175.01 feet to a point; thence continuing with the right-of-way of Farriss Avenue North 86 Degrees, 15 Minutes, East, 7.42 feet to a point in the west right-of-way of Fifth Street and being the **Point and Place of Beginning** for the herein described property; thence with the west right-of-way of Fifth Street the following three calls, (1) along a curve to the left having a radius of 26.42 feet, for an arc distance of 41.08 feet to a point, (2) North 3 Degrees, 30 Minutes East, 78.06 feet to a point, (3) along a curve to the left having a radius of 26.42 feet, for an arc distance of 44.86 feet to a point on the south side of the 34 foot wide right-of-way of Farriss Avenue; thence North 86 Degrees, 15 Minutes East along a new line being 17 feet south and parallel to the centerline of Farriss Avenue an approximate distance of 148 feet to a point in the east right-of-way of Fifth Street; thence with the east right-of-way of Fifth Street the following three calls, (1) along a curve to the left having a radius of 28.42 feet, an arc distance of 41.00 feet to a point, (2) South 3 Degrees, 30 Minutes West, 78.06 feet to a point, (3) along a curve to the left having a radius of 26.43 feet, an arc distance of 44.86 feet to a point on the north right-of-way of Farriss Avenue; thence South 86 Degrees, 15 Minutes West along a new line being 17 feet north and parallel to the centerline of Farriss Avenue an approximate distance of 148 feet to the **Point and Place of Beginning**.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 17th day of July, 2017, at 5:30 p.m. setting the 7th day of August, 2017 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 July 21 & 28, 2017 and August 4 & 6, 2017; 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 portions of E. Farriss Avenue and Fifth Street; 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 the portion of E. Farriss Avenue and that portion of Fifth Street right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 20-foot wide stormwater/drainage easement centered over the existing stormwater lines within and crossing the right-of-ways;
3. That the City of High Point shall retain a 20-foot wide electrical easement centered over the existing electrical pole and service lines within and crossing the right-of-ways;
4. That the City of High Point shall retain a 20-foot wide sewer line easement centered over existing sewer lines within or crossing the right-of-ways;
5. That the City of High Point shall retain a 20-foot wide water line easement centered over existing water lines within or crossing the right-of-ways; and
6. That the City of High Point shall retain a 20-foot wide Piedmont Natural Gas easement centered over existing gas lines within or crossing the right-of-ways.
7. 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 7th day of August, 2017
Lisa B. Vierling, City Clerk