

CITY OF HIGH POINT

AGENDA ITEM



Title: Resolution – Termination of Easements within Stadium Area

From: JoAnne Carlyle

Meeting Date: January 16, 2018

Public Hearing: No

Advertising Date: N/A

Advertised By:

Attachments: Resolution – Termination of Easements

Purpose/Background:

On November 20, 2017, City Council adopted a resolution abandoning public right of ways within a four-block area bounded by Gatewood Avenue, N. Elm Street, N. Lindsay Street and W. English Road. Some of the street closing resolutions contained reservations of utility easements in favor of the City. The City has combined the properties that are located under the stadium footprint. The title company has requested some type of confirmation from the City that intends for the utility easements reserved within the former alleys/streets to be extinguished. The City Attorney's Office is requesting City Council adopt a resolution declaring the termination of these utility easements.

Budget Impact:

There is no budget impact.

Recommendation:

Council adopt a resolution to record this declaration in order to confirm and establish of record the termination of the easements.

Return to: JoAnne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 16TH DAY OF JANUARY 2018, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

THIS DECLARATION OF TERMINATION OF EASEMENTS (“Declaration”) is made by the **CITY OF HIGH POINT**, a municipal corporation (“Owner”).

RECITALS:

- A. Owner owns certain property more particularly described in Exhibit A attached hereto and incorporated herein by reference (the “Property”).
- B. Upon the Owner’s acquisition of the Property, the Property was subject to certain easements in favor of Owner recorded in Book 770, Page 534, Book 771, Page 23, and Book 2237, Page 771 in the Office of the Register of Deeds of Guilford County.
- C. By way of certain Resolutions by Owner to close alleys recorded in Book 3327, Page 853, Book 3341, page 340, Book 7369, Page 1050, Book 7625, Page 2678, and Book 8001, Page 2727 in the Office of the Register of Deeds of Guilford County, Owner reserved certain easements upon the closed alleys that now comprise the Property (together with the easements referenced in recital B above, the “Easements”).
- D. As a result of the common ownership of the burdened and servient estates by Owner, the Easements have terminated by operation of law.
- E. Owner desires to record this Declaration in order to confirm and establish of record the termination of the Easements.

NOW, THEREFORE, Owner hereby declares, acknowledges and confirms that the Easements have terminated by operation of law as a result of the ownership by Owner of the burdened and servient estates.

By Order of the City Council,
This the 16th day of January 2018
Lisa B. Vierling, City Clerk

EXHIBIT A

BEING ALL OF LOT NUMBER ONE (1), containing 6.890 acres, more or less, as shown on plat entitled "Exclusion Map for the Recombination of City of High Point Property," which plat is duly recorded in Plat Book 195, Page 127, in the Office of the Register of Deeds of Guilford County, NC.