
From: adam@zinncompanies.com
Sent: Monday, March 8, 2021 5:46 PM
To: Chris Roberts; steve@freeholdlandsurveys.com
Cc: Judy Johnson
Subject: FW: J25738-2021-02-05_prelim plat (003) jj edits.pdf
Attachments: J25738-2021-02-05_prelim plat (003) jj edits.pdf; 160A-299.pdf

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Hi Chris – we are requesting that the section of Mitchell Lane be abandoned. See plat.

Steve – see the note from Judy Johnson below and the mark up on the plat regarding recombining the CH properties. Also, please extend the eastern 502 Gomains lot line so that the house fits on the lot (removing the abandoned lot line). And finally, CH wants to tidy up the ROW lot line (for 502 Gomains) on Gomains/Caldwell so that it is a foot behind the sidewalk.

Please let me know if you have questions.

Thanks.

Adam Zinn
301 Montclair Way
Chapel Hill, NC 27516
(919) 422-6477
adam@zinncompanies.com

From: Judy Johnson <jjohnson@townofchapelhill.org>
Sent: Monday, March 8, 2021 5:27 PM
To: adam@zinncompanies.com
Cc: Chris Roberts <croberts@townofchapelhill.org>
Subject: J25738-2021-02-05_prelim plat (003) jj edits.pdf

Adam

Sorry I'm late!

I've highlighted the attached plat showing how the Town would propose the change to the property lines. I've also attached the state law which outlines the legal requirements for abandoning right-of-way. Please send an email to Chris Roberts (copied on this email) requesting that the section of Mitchell Lane be abandoned.

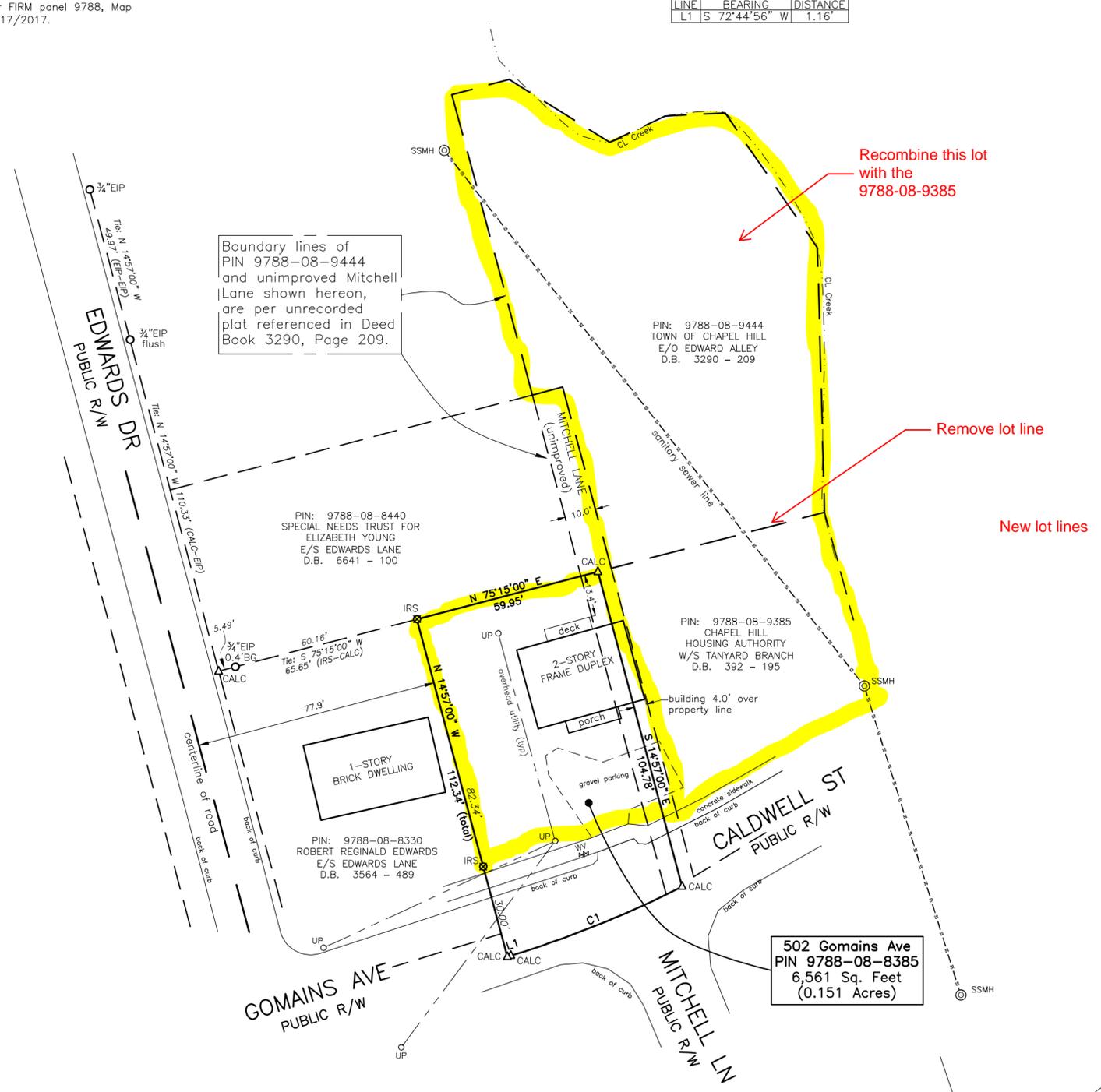
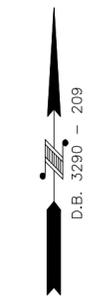
Judy

Notes

- 1) This survey was performed without the benefit of a title report. This survey is subject to any facts and easements which may be disclosed by a full and accurate title search.
- 2) This property is not a flood hazard zone per FIRM panel 9788, Map Number 3710978800K, Panel Effective Date 11/17/2017.

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1 | 59.32' | 350.32' | 9°42'04" | S 67°58'11" W | 59.24' |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 72°44'56" W | 1.16' |



Recombine this lot with the 9788-08-9385

Remove lot line

New lot lines

Boundary lines of PIN 9788-08-9444 and unimproved Mitchell Lane shown hereon, are per unrecorded plat referenced in Deed Book 3290, Page 209.

502 Gomains Ave
PIN 9788-08-8385
6,561 Sq. Feet
(0.151 Acres)

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6685, PAGE 2211); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM SOURCES NOTED HEREON; THAT THE RATIO OF PRECISION IS 1:10,000 OR BETTER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY:

- THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
- ANY ONE OF THE FOLLOWING:
 - THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
 - THAT THE SURVEY IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE;
 - THAT THE SURVEY IS A CONTROL SURVEY; OR;
 - THAT THE SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
- THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
- THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS _____ DAY OF _____, 2021.

STEPHEN M. HALLSTROM PROFESSIONAL LAND SURVEYOR L-5083

PRELIMINARY PLAT – NOT FOR RECORDATION, CONVEYANCES OR SALES

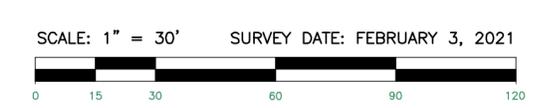
PROPERTY OF
JEFFREY TATE

PROPERTY ADDRESS: 502 GOMAINS AVENUE

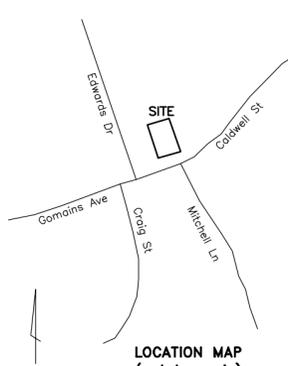
PIN REFERENCE: 9788-08-8385
DEED REFERENCE: 6685 - 2211

OWNER'S ADDRESS
JEFFREY TATE
104 APPLE STREET
CHAPEL HILL, NC 27514

CHAPEL HILL TOWNSHIP
ORANGE COUNTY
NORTH CAROLINA



- LEGEND**
- EIP ○ EXISTING IRON PIPE
 - EIR ○ EXISTING IRON ROD
 - IRS ⊗ IRON ROD SET
 - CALC △ CALCULATED POINT
 - AG ▲ ABOVE GRADE
 - BG ▼ BELOW GRADE
 - UP ○ UTILITY POLE
 - SSMH ⊙ SANITARY SEWER MANHOLE
 - WV ⊗ WATER VALVE



§ 160A-299. Procedure for permanently closing streets and alleys.

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)