

**A RESOLUTION ORDERING THE CLOSING OF A THE 46 FOOT WIDE SECTION
OF RIGHT-OF-WAY FOR TODD STREET, ADJACENT TO THE FOLLOWING
TOW PROPERTIES: PIN: 9778-78-1734 and PIN: 9778-78-3622
Resolution No. 172/2006-07**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

WHEREAS, the Board of Aldermen at its March 20, 2007 meeting adopted a resolution declaring its intention to close the 46 foot wide public street right-of-way for Todd street adjacent to the following two properties: PIN: 9778-78-1734 and PIN: 9778-78-3622.

WHEREAS, in this same resolution the Board of Aldermen declared its intent to reserve its right, title, and interest in public access for pedestrians and bicyclists, and interest in any utility improvements or easement with the 46 foot wide portion of right-of-way proposed for closing; this reservation shall also extend to utility improvements or easements owned by private utilities which at the time of the proposed street closing have a utility agreement or franchise with the Town.

WHEREAS, in this same resolution the Board of Aldermen set a public hearing on this question for April 24, 2007 at 7:30 pm in the Town Hall; and

WHEREAS, a copy of this resolution was published in the Chapel Hill Herald newspaper on March 25, April 1, 8, 15 of 2007 and was sent by certified mail to the owners of property adjoining the street and a notice of the public hearing was posted in two places along said street, all in accordance with G.S. 160A-299; and

WHEREAS, the Board of Aldermen duly held a public hearing to consider this street closing in question at its regularly scheduled meeting on April 24, 2007;

**NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF
CARRBORO RESOLVES:**

Section 1. Having heard all of the testimony presented at the public hearing on the proposed closing, the Board concludes that this street closing is not contrary to the public interest and that no individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to their property.

Section 2. Therefore, the Board orders that the 46 foot wide portion of right-of-way for Todd Street adjacent to following two properties: PIN: 9778-78-1734 and PIN: 9778-78-3622, is hereby closed.

Section 3. The Board of Aldermen hereby declares that the Town reserves its right, title, and interest in public access for pedestrians and bicyclists, and any utility improvements or easements within the 46 foot right of way declared closed in Section 2 of this same Resolution. This right, title and interest shall extend to utility improvements or

easements owned by private utilities which at the time of this street closing have a utility agreement or franchise with the Town. Such utilities shall include but are not limited to water, sewer, electrical, gas, telephone and cable television.

Section 4. A certified copy of this order shall be filed in the Office of the Orange County Register of Deeds.

Section 5. All right, title and interest, excluding utility improvements and easements in the 46 foot wide right-of-way closed pursuant to this order shall be conclusively presumed to be vested in those persons owning the parcels abutting the street right-of-way identified by Parcel Identification numbers 9778-78-1734 and 9778-78-3622 according to county tax records, and the title of such landowners identified by Parcel Identification numbers 9778-78-1734 and 9778-78-3622 shall extend as indicated on the Holland Land Surveying, Inc. plat entitled Recombination Survey and Private storm sewer easement, OWASA Waster & Sanitary sewer easement survey for The Flats Condominiums dated February 9, 2007.

Section 6. Any person aggrieved by this street right-of-way closing may appeal this order to the General Court of Justice within thirty (30) days after its adoption.



Todd Street, LLC - Carrboro, NC

Steve Stewart, Town Manager
Town of Carrboro
301 West Main Street
Carrboro, NC 27510

Dear Mr. Stewart:

October 26, 2006

Ref: Todd Street
Carrboro, NC
(Tract I Pin 9778-78-1734, Map 7.95.A.7)
(Tract II Pin 9778-78-3622, Map 7.95.A.7B)

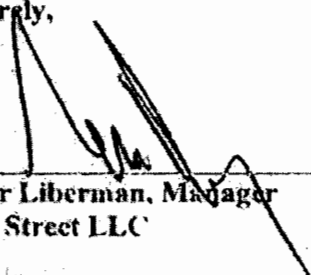
As owners of the property on both sides of Todd Street which services solely the residential units on this property, we wish to request the closing of Todd Street under General Statute 160-A-299.

The reason for this request involves our recent purchase of the property and our plans to create a condominium. We are in the process of renovating all units and upgrading the common areas, which, you will agree, will benefit the town of Carrboro in many ways.

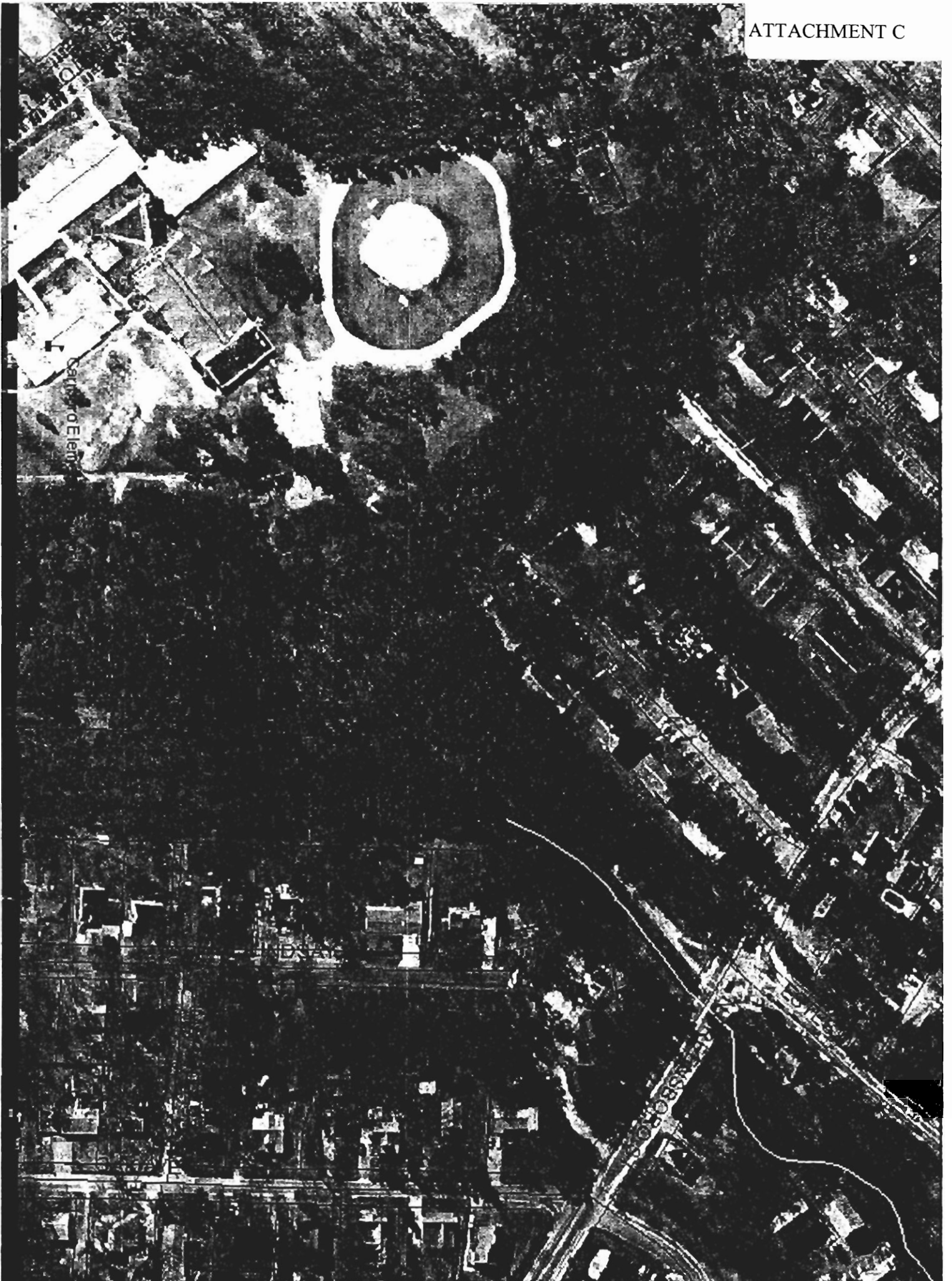
We believe the closing of the street will provide significant benefits to the residents within the condominium without impacting on the public interests of the Town, since the street services solely this residential community. Too, there should accrue benefits to the Town of Carrboro in eliminating maintenance expenses and placing additional property on the tax rolls.

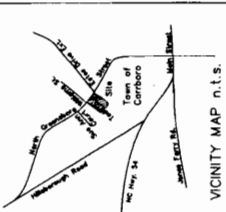
Per your request, we are checking with the utilities to work out whatever easements are necessary and anticipate no problems therein. We also note the review processes necessary to effect requested closing and the need for us to bear related costs for this process.

Sincerely,


Meyer Liberman, Manager
Todd Street LLC

Todd Street, LLC - ML James Commercial Real Estate, LLC
1777 N. Fordham Blvd. - Suite 102
Chapel Hill, NC 27514
(919) 929-9915





Notes:

- 1) The purpose of this plat is to recombine TM 795A.7 and TM 795A.7B with the 46' wide parcel designated as Todd Street, a public street that is abandoned and considered back into private ownership as per Town of Carboro Resolution.
- 2) As provided in the Town of Carboro resolution abandoning Todd Street as a public street, the Town retains a 30' wide easement on the 46' wide parcel. The easement is within the 46' former right-of-way of Todd Street. By recording this plat, the owner agrees that such area shall remain dedicated as a public access easement for utility purposes. The easement shall be used for utility easement within this 46' area for water, sewer, gas, electric power, telephone, and cable television lines.
- 3) This plat also defines a 30' wide OWASA Sanitary Sewer Easement and a 30' wide OWASA Water Easement with 20' wide (2 water lines) and 10' wide (1 water line) water meter easements.
- 4) Distances shown are horizontal ground distances in feet.
- 5) No N.C.C.S. Monument found within 2000' of property.
- 6) All areas shown are calculated by the coordinate method.

I, James H. Holland, Jr., do hereby certify that this plat was drawn under my supervision from an original survey of the property shown on the plat. The references shown hereon, that the boundaries not surveyed are shown as broken lines plotted from information shown hereon, that the ratio of precision is 1:10,000 ±; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number, and seal this 9th day of February, A.D., 2007.



Professional Land Surveyor
 License Number
 LC-2880

State of North Carolina
 County of Orange
 Review Officer of Orange
 County, certify that the map or plat to which this seal is attached meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

Review Officer _____ Date _____

I hereby certify:

- D-1 - That the survey is a subdivision of land with boundaries that require permanent monuments.
- D-2 - That the survey is a boundary survey of a tract of land that requires permanent monuments.
- D-3 - That the survey is a utility survey.
- D-4 - That the survey is of an existing building or other structure and does not result in a new lot or change of area.
- D-5 - That this survey is a utility survey.
- D-6 - That this survey is of another survey, such as the survey of a tract of land, and that the boundaries of the tract are shown as broken lines plotted from information shown hereon.
- D-7 - That the survey is a utility survey and that the plat is intended to be used for utility purposes.

LEGEND:

- Iron Pipe Set (Unless Otherwise Designated)
- Existing Iron Pipe or Stake (Unless Set)
- Concrete Monument (Set)
- Existing Concrete Monument

Tax Parcel _____
 Zoning _____
 Recorded _____

Lot 1
 N/F
 Erich H. Sontag &
 Gen. D. Sontag
 DB 3462 Pg. 497

Lot 2
 N/F
 Erich H. Sontag &
 Gen. D. Sontag
 DB 1542 Pg. 51

Lot 2
 N/F
 Erich H. Sontag, et al
 & Veronica T. Meije
 DB 405 Pg. 445

Total Tract After
 Recombination
 4.738 Ac.
 by Coordinates

Line Table

1	S 67°20' E	31.17
2	N 87°43.31' E	40.47
3	N 53°06'25" E	31.09'

Building Ties From Control Corners A & B:

A - 2	S 24°49'23" E	124.73'
A - 4	S 11°33'42" W	173.43'
A - 6	S 31°27'44" W	328.89'
A - 8	S 31°27'44" W	328.89'
A - 10	S 33°54'59" W	384.34'

Tract 2:

B - 1	N 77°23'37" W	119.85'
B - 3	S 77°23'37" W	119.85'
B - 5	S 68°45'22" W	299.31'
B - 7	S 61°02'19" W	399.87'
B - 9	S 60°37'13" W	508.76'

This plat is subject to the Town of Carboro's subdivision regulations and does not require Board Approval.

Roy Willard, Planning Director _____ Date _____

FINAL PLAT
 RECOMBINATION SURVEY AND
 PRIVATE STORM SEWER EASEMENT
 O.W.A.S.A. WATER & SANITARY
 SEWER EASEMENT SURVEY
THE FLATS CONDOMINIUMS
 CHAPEL HILL TWP., ORANGE CO., NC
 SCALE: 1" = 60'
 DATE: FEBRUARY 9, 2007

HOLLAND Land Surveying
 508 W. Main Street, Suite 100, NC 27514
 (919) 842-9401

Revisions:
 February 20, 2007
 March 27, 2007
 April 13, 2007
 April 17, 2007

Proj. No. 06-068
 PLATS-RO/DWG

CL Water Meter Easements

L4 B649 101	S 39°48'51" E	30.00'
L6 B649 103	S 39°48'51" E	27.00'
L7 B649 104	N 39°48'51" W	46.00'
L8 B649 105	N 39°48'51" W	46.00'
L9 B649 106	N 39°48'51" W	46.00'
L10 B649 107	S 39°48'51" E	23.00'
L11 B649 108	S 39°48'51" E	20.00'
L12 B649 109	S 39°48'51" E	20.00'
L13 B649 110	N 39°48'51" W	50.00'

30' OWASA Sanitary (PB 100 Pg. 185)
 N/F Town of Carboro DB 1039 Pg. 396
 20' Private Storm Drainage Easement
 30' OWASA Water Line Easement
 Chapel Hill-Carboro Branch of Est. Carboro Elementary School DB 172 Pg. 283

Owners:
 Todd Street, L.L.C.
 1777 N. Fortham Blvd.
 Suite 120
 Chapel Hill, NC 27514

References:
 PB 100 Pg. 185
 PB 103 Pg. 396
 PB 73 Pg. 28

