

CITY OF DURHAM
ORDER PERMANENTLY CLOSING 300 LINEAR FEET OF LINBERGH STREET
(SC1100004)

WHEREAS, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

WHEREAS, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in **Attachment A**, attached hereto and incorporated herein for **March 5, 2012**; and

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for four successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham City Council at its regular meeting on **March 5, 2012** meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the City Council of the City of Durham having carefully considered the question of permanently closing the street or alley or portion thereof as it more fully described in **Attachment A**, finds:

1. That closing of the street or alley described in **Attachment A** is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

**Order Closing
Linbergh Street
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IT IS THEREFORE, ORDERED:

1. That the street described in **Attachment A** is permanently closed under the authority of GS 160A-299(c).
2. That utility easements that may be referenced in **Attachment A** or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in **Attachment A** shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in **Attachment A**.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

PORTION LINBERGH STREET CLOSING DESCRIPTION

Portion of that certain existing 50' Public Right-of-Way known as Linbergh Street, situate in the City of Durham, Durham County, North Carolina as described in Plat Book 142, Page 167, Durham County Records, and being more particularly described as follows:

Commencing at the Southwest Corner of Lot 1 Ample Storage Bailey Bridge Road L.L.C. as shown in Deed Book 6512 at Page 169 and Plat Book 18A at Page 10, Northwest Corner of Lot 12 Ample Storage Bailey Bridge Road L.L.C. as shown in Deed Book 6512 at Page 169 and Plat Book 18A at Page 10, the Western Right-of-Way of Dominion Street as shown in Plat Book 142 at Page 167; thence N63°34'52"E, 650.00' to a point on the Southeast corner of lot 11, Northeast corner of Ample Storage Bailey Bridge Road, L.L.C. and Western Right-of-Way of Linbergh Street as shown in Plat Book 18a at Page 10, said point being the Point of Beginning; thence along the Western Right-of-Way of Linbergh Street N26°25'08"W, 115.00' to a point; thence along a curve to the left having a radius of 20.00', a length of 31.42', a chord of N71°25'08"W, 28.28' to a point on the Northeast Corner of lot 11 and Southern Right-of-Way of East Club Boulevard; thence along the Southern Right-of-way of East Club Boulevard N63°34'52"E, 90.00' to a point on the Northwest Corner of lot 1 and Southern Right-of-Way of East Club Boulevard; thence along a curve to the left having a radius of 20.00', a length of 31.42', a chord of S18°34'52"W, 28.28' to a point; thence along the Eastern Right-of-Way of Linbergh Street S26°28'08"E, 115.00' to a point; thence S63°34'52"W, 50.00' to the Point of Beginning of Portion Northern Linbergh Street Closing. Said Portion Linbergh Street Closing area contains 6,922 square feet, more or less.

Jeffrey L. Bateman, PLS L-3502
8 September 2011

As recorded in the Durham County Register of Deeds Office at Plat Book _____, Page _____.

**NORTH CAROLINA
DURHAM COUNTY**

I, _____, Notary Public of the aforesaid County and State, certify that personally appeared before me this day _____ City Clerk of the City of Durham, who duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the order adopted by the City Council of the City of Durham at its meeting held _____, 20____, as the same is taken from and compared with the recordation of said order in Ordinance Book _____, at Pages _____, in the Office of the City Clerk.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

The foregoing certificate of _____, notary public of _____ County, NC, is certified to be in due form and correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on this instrument.

**WILLIE L. COVINGTON, REGISTER OF DEEDS
FOR DURHAM COUNTY, NORTH CAROLINA**

By _____
Deputy Register of Deeds