

CITY OF DURHAM
ORDER PERMANENTLY CLOSING 1,458 LINEAR FEET OF ARRINGTON PARK DRIVE
(SC1200001)

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 **January 7, 2013**; 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 **January 7, 2013** 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.

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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(a).
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 ARRINGTON PARK DRIVE CLOSING DESCRIPTION

Portion of that certain existing 50' Public Right-of-Way known as Arrington Park Drive, situated in the City of Durham, Durham County, North Carolina as described in Plat Book 154, Page 35, Durham County Records, and being more particularly described as follows:

Beginning at a point, said point being located on the Southern Right-of-Way of Arrington Park Drive at Langdon Drive, having NC Grid coordinates of N(y) 775,962.49' E(x) 2,051,292.33', thence along the Right-of-Way of Langdon Drive along a curve to the left having a radius of 66.00', a length of 104.07', a chord bearing of N 01° 32' 30" E and a chord distance of 93.62' to a point, thence leaving Langdon Drive Right of Way along the Northern side of Arrington Park Drive along a curve to the left having a radius of 75.00', a length of 58.58' a chord bearing of S 66° 00' 22" W and a chord distance of 57.10' to a point, thence continuing along said Right-of-Way S 88° 22' 57" E 407.20' to a point, thence along a curve to the left having a radius of 275.00', a length of 443.64' a chord bearing of N 45° 24' 05" E and a chord distance of 397.07', thence N 00° 48' 52" W 519.17' to a point, thence along a curve to the left having a radius of 20.00', a length of 28.95', a chord bearing of N 42° 17' 04" W and a chord distance of 26.49' to a point on the Southern Right-of-Way of Comstock Road, thence along said Right-of-Way S 83° 33' 47" E 90.80', thence leaving Comstock Road Right-of-Way along a curve to the left having a radius of 20.00', a length of 33.95', a chord bearing of S 47° 49' 11" E and a chord distance of 30.02' to a point, thence running with the Southern Right-of-Way of Arrington Park Drive S 00° 48' 52" E 507.71' to a point, thence continuing along said Right-of-Way along a curve to the right having a radius of 325.00', a length of 524.30', a chord bearing of S 45° 24' 05" W, a chord distance of 469.27' to a point, thence N 88° 27' 57" W 406.94' to a point, thence along a curve to the left having a radius of 75.00', a length of 58.78', a chord bearing of S 69° 09' 55" W and a chord distance of 57.29' to the point and place of beginning containing 1.687 acres as shown on a survey prepared by Cawthorn, Moss & Panciera, PC dated November 9, 2011 and revised June 11, 2012 and revised September 19, 2012.

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