

**CITY OF DURHAM**  
**ORDER PERMANENTLY CLOSING 169.25 LINEAR FEET OF NEWMAN STREET**  
**(SC1200002)**

**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.

**Order Closing  
Newman 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(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 NEWMAN STREET CLOSING DESCRIPTION**

0.127 Acres, Newman Street Right-of-way, Durham, North Carolina  
Durham Township, Durham County, North Carolina  
August 28, 2012

BEING a portion of a public right-of-way (width varies) containing 0.127 acres more or less, located in Durham Township, Durham County, North Carolina and being bounded by lands owned by and/or in possession of persons as follows: on the north by RHGC Investments, LLC (Deed book 6943, page 451, Durham County Registry), on the east by the western right-of-way line of Walker Street (originally allowing 42 feet), on the south by the northern right-of-way line of Fayetteville street (width varies) and on the west by the remaining portion of right-of-way of Newman Street (width varies) and being more particularly described as follows:

BEGINNING at an iron pipe found in the northern right-of-way line of Newman Street (width varies), said iron pipe found also being the southwestern property corner of the RHGC Investments property (Deed book 6943, page 451, Durham County Registry) thence with the RHGC Investments, LLC property north 72 deg. 03 min. 22 sec. east 158.89 feet to a calculated point in the western right-of-way line of Walker Street (originally allowing 42 feet), thence with the western right-of-way line of Walker Street south 14 deg. 08 min. 48 sec. east 30.11 feet to a calculated point, said point being in the northern right-of-way line of Fayetteville street (width varies), thence leaving the western right-of-way line of Walker Street and with the northern right-of-way line of Fayetteville Street the following 5 calls: (1) south 68 deg. 26 min. 15 sec. west 20.30 feet to a calculated point, (2) south 68 deg. 40 min. 37 sec. west 46.39 feet to a calculated point, (3) south 68 deg. 03 min. 32 sec. west 47.55 feet to a calculated point, (4) south 68 deg. 10 min. 12 sec. west 42.89 feet to a calculated point, and (5) north 18 deg. 04 min. 15 sec. west 40.29 feet to an iron pipe found, the BEGINNING point.

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**