

**CITY OF DURHAM**  
**ORDER PERMANENTLY CLOSING 109 LINEAR FEET OF ERWIN ROAD**  
**(SC1200004)**

**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 **June 17, 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 **June 17, 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 OF ERWIN ROAD CLOSING DESCRIPTION**

Being all of a certain strip of land situated of the southern side of Erwin Road, Durham Township, Durham County, North Carolina which is a portion of property owned by Duke University (PIN 0811-05-69-9254), and being more particularly described as:

Beginning at a set "Mag" nail on the southern right-of-way of Erwin Road having North Carolina Grid values: N=821,852.486 and E=2,018,264.766; thence, along with said southern right-of-way S 81°57'19" E 38.58' to a set iron pipe, the true point of beginning; thence, leaving said existing southern right-of-way and with the new right-of-way the following three calls: N 10°11'21" E.162' to a set "Mag" nail, S 81°47'00" E 108.93' to a set "Mag" nail and S 03°11'54" W 1.30' to a set "Mag" nail on the aforementioned southern right-of-way of Erwin Road; thence, with said southern right-of-way N 81°57'19" W 109.10' to the point or place of beginning containing 159 square feet, more or less.

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**