



ORDINANCE NO. 3-2023

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF LOWELL, NORTH CAROLINA WITHDRAWING FROM DEDICATION A PORTION OF TAYLOR AVENUE

- WHEREAS,** MICAH HATLEY ON BEHALF OF THOMPSON REALTY INVESTMENTS LLC, with the knowledge and consent of the adjacent property owners being THOMPSON REALTY INVESTMENTS LLC & THOMPSON REALTY INVESTMENTS LLC, have petitioned the City Council of the City of Lowell, North Carolina, to withdraw from dedication a portion of TAYLOR AVENUE, being a 30 foot right of way of approximately 380 linear feet, pursuant to section 160A-299 of the General Statutes of North Carolina; and
- WHEREAS,** pursuant to said Petition, the City Council did on JANUARY 10TH, 2023, establish a public hearing for FEBRUARY 14TH 2023, to consider the request as proposed by Petitioner; and
- WHEREAS,** it appears that the petitioners are the owners of the real property which adjoins the portion of the street to be closed, and that the public hearing has been properly advertised by publishing the notice for four (4) successive weeks in the Gaston Gazette and, further, by prominently posting copies of the notice of the public hearing in at least two (2) places along portions of the street to be closed; and
- WHEREAS,** pursuant to said notice duly given, a public meeting of the City Council of the City of Lowell, North Carolina, was held at 6:00 PM on the 14th day of FEBRUARY, 2023, in the council room in City Hall of the City of Lowell North Carolina, to consider their request for closing of said portion of TAYLOR AVENUE. at which time no person, firm or corporation appeared in opposition thereto; and
- WHEREAS,** it appears to the satisfaction of the City Council of the City of Lowell, that the closing of a portion of Taylor Ave. as described by the Resolution of the City Council dated JANUARY 10TH, 2023 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 and egress to their property by reason of the closing of the described portions of said streets; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Lowell, North Carolina, that all the requirements of law have been fully complied with pertaining to the closing of said street described herein; and

WHEREAS, it further appears that it is necessary that a General Drainage and Utility easement be reserved by the City along that portion of TAYLOR AVENUE, which is being withdrawn from dedication and that said easement shall be the full width and length of said street, as shown on the Recombination plat for 4114 & 4210 Franklin Blvd prepared by FEI Consulting Engineers and Land Surveyors dated November 18, 2022.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of section 160A-299 of the General Statutes of North Carolina, the following portion of TAYLOR AVENUE, as shown on the Map attached hereto as Exhibit A, and as further described below, shall be and is hereby closed and withdrawn from public dedication and public use, subject to a public utility easement as provided::

Being the portion of Taylor Ave. 30' Right of Way (R/W) East of Neely St. as described in Plat Book (P.B.) 72 Page (Pg.) 11 recorded in the Gaston County Register of Deeds, and being more particularly bounded and described as follows:

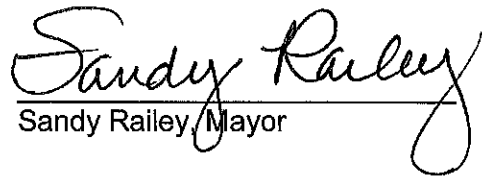
Beginning at a 5/8" rebar at the Northwest corner of Thompson Reality Investment, LLC as described in Deed Book (D.B.) 4649 Pg. 66 (Tract II) and on the Eastern R/W of Neely St.; thence along the lines of said Thompson Reality Investment, LLC (Tract II) for the following courses and distances S 23°25'23" W a distance of 196.76' to THE TRUE POINT OF BEGINNING, said point being a 5/8" rebar; thence S 81°48'42" E a distance of 379.42' to a 5/8" rebar; thence S 11°22'11" E a distance of 31.84' to a 5/8" rebar; thence N 81°48'37" W a distance of 373.36' to a 5/8" rebar on the Northern line of Thompson Reality Investment, LLC as described in D.B. 3503 Pg. 121; thence with a curve turning to the left having an arc length of 31.44', having a radius of 20.00', having a chord bearing of S 53°12'53" W, having a chord length of 28.30', to a 5/8" rebar on the Eastern R/W of Neely St.; thence along the R/W of Neely St. N 08°15'23" E a distance of 38.03' to a point; thence N 23°25'23" E a distance of 12.41' to the point of beginning, having an area of 0.27 acres, more or less.

That the City of Lowell hereby further reserves all rights, title and interest in that easement for purposes of general drainage and utilities, along with rights of ingress and egress for purposes maintenance, construction and repair of such purposes and/or utilities, over the full width and length of that portion of TAYLOR AVENUE which is being withdrawn from dedication. This reservation of easement shall extend to any utility improvements or easements owned or maintained by private utilities which at the time of the street closing have a utility agreement or franchise with the City


BE IT FURTHER RESOLVED that at the expense of the petitioner, a certified copy of this resolution duly adopted by the City Council of the City of Lowell recorded in the office of the register of deeds for Gaston County, North Carolina

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Gaston County, a certified copy of this Ordinance .

This the 14th day of February 2023.


Sandy Railey, Mayor

ATTEST:


Cheryl Ramsey, City Clerk