

NORTH CAROLINA)
)
FORSYTH COUNTY)

PETITION TO CLOSE AND ABANDON A
PORTION OF _____

TO: HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF WINSTON-SALEM

The undersigned respectfully petitions the Honorable Mayor and City Council of the City of Winston-Salem as follows:

I.

Your petitioner declares that he is the owner of _____
_____ and
that as to other property abutting the portion of _____
_____ which he wants to
have closed and abandoned, the following are the owners:

<u>Owner</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

(If additional space is needed, please use separate sheet.)

Please state your reason / purpose for closing a portion of said street / alleyway

Said portion of _____ was dedicated to public use upon the public records appearing in the Office of the Register of Deeds of Forsyth County, North Carolina. Its use as a street or public way is unnecessary for the normal flow of traffic through the surrounding area.

II.

Your petitioner respectfully petitions that the following described portion of said _____ officially be closed and abandoned: **(insert property description of the property listed above)**

III.

No individual owning property in the vicinity of the aforesaid portion of _____ will be deprived of reasonable means of ingress to and from his property, nor is the closing thereof contrary to the public interest.

WHEREFORE, your petitioner respectfully requests the City of Winston-Salem, acting through its City Council to close and abandon for street purposes that portion of said _____ described, all as provided by law, particularly by Section 160A-299 of the General Statutes of North Carolina.

RESPECTFULLY SUBMITTED, this the _____ day of _____, 20 _____.

(Title)

ATTEST:

(Title) By: _____
(Title)

NORTH CAROLINA)
)
FORSYTH COUNTY)

_____, being duly sworn, deposes and says that he/she is the petitioner in the above entitled matter; that he/she has read the foregoing petition and knows the contents thereof; that the same is true of his/her own knowledge except as to those matters therein stated on information and belief and as to those matters, he/she believes it to be true.

Signature of Petitioner (s)

Date Petition Received in Engineering Office:

Signature of the person in the Engineering Office that verified information on this Street Closing Petition:

SWORN AND SUBSCRIBED before me, this the _____, day of _____, 20 _____

Notary Public

My Commission expires: _____

DATE PETITION RECEIVED IN CITY SECRETARY'S OFFICE:

FEE PAID: _____

8/08



STREET / ALLEY CLOSING PROCEDURES

Please Read Information Carefully

1. Petitioner submits petition to City Secretary's Office to be completed as follows:

NOTE: (Prior to submission to the City Secretary's Office, petitioner should visit the City's Engineering Records Department, 2nd Floor, Bryce A. Stuart Municipal Building [formerly City Hall South], to verify the title of the street closure and confirm accuracy of the description.)

- Fill in all spaces with name of street/alley to be closed.
- List all owners of adjoining property with complete mailing address.
- Middle of page 2, insert property description (or attach separate sheet, if needed). Description of proposed street/alley closing should be written using a copy of the current tax map which can be obtained from the Forsyth County Tax Collector's Office.

Description of that portion of street to be closed must be from a sealed survey, tax map, or recorded plat. The following cannot be accepted: street address reference, unsealed plat, or any type of sketch not done from sealed survey. (See "NOTE" above.)

- Petitioner should sign the form on page 3. If the petition is submitted (1) by a partnership, it must be signed by a partner, (2) by a limited liability company, it must be signed by the manager or managing member, or (3) by a corporation, it must be signed by an authorized corporate officer.
 - On page 4, have signature notarized.
 - Attach to the petition a copy of the tax map from the Forsyth County Tax Office, showing proposed closure in shading or cross-hatching.
2. After the petition, the tax map, a \$200 administrative fee, and a \$1,200 advertisement fee (for single road closures only) are received by the City Secretary, the petition is referred to the Public Works Department. Fees for multiple road closures will be determined by the City Secretary's Office based on the cost of the legal advertisement plus a \$200 administrative fee, but the petitioner for a multiple road closure is responsible for paying directly to the newspaper the cost of the legal advertisement.
 3. After staff review, petition is submitted to the Public Works Committee of the City Council for consideration and recommendation to the City Council.
 4. City Council sets date for a public hearing on the proposed closure and authorizes its advertisement.
 5. Petitioner receives a copy of the resolution fixing the date of the public hearing. The hearing must be advertised for 4 consecutive weeks. The City will pay the local newspaper directly for the legal advertisement for single road closures, and the petitioner will pay the newspaper directly for the multiple road closure legal advertisements. If the City Council declines to set the date of the hearing or if the petition is withdrawn before the advertisement cost is paid by the City, the petitioner's \$1,200 advertisement payment to the City will be returned.

6. The City Secretary's office will mail the certified letters of public hearing notification to adjoining property owners and the administrative fee covers this expense.
7. Public hearing is held before the City Council and the resolution ordering the closing of the street/alley is either adopted or denied.
8. If adopted, petitioner will receive a copy of the adopted resolution by mail.
9. 30 days after adoption, the City Secretary will mail the original resolution ordering the closure to the petitioner. Petitioner has the resolution recorded at the Register of Deeds office and returns the original papers to the City Secretary with book and page number imprinted on the document.
10. When original, recorded resolution is received by the City Secretary, the portion of the street alley is considered formally closed. Each adjoining property owner receives his/her portion of the closed area as set out in the General Statutes of North Carolina.
- 11. The City will retain any utility, sidewalk, or other public infrastructure easements that may exist in the right-of-way of the closed road and, the City reserves the right to remove, at its expense, any cobblestone pavers, granite curb, buried trolley tracks or other materials which are in the street to be abandoned.**

08/2008

print, complete and submit form to:	City Secretary's Office, City of Winston-Salem P.O. Box 2511 Winston-Salem, NC 27102-2511
www.cityofws.org	Office: (336) 727-2224 Fax: (336) 727-2880

What happens next?

Once the application and fee for Petition to Close and Abandon a Portion of a Street/Alleyway is received in the City Secretary's Office the application will be forwarded to City staff and then to City Council for approval.

Expect four (4) months for the process to be completed. If you have any questions, please call (336)727-2224.