33-2010

AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF KINSTON
ORDERING THE CLOSING OF PUBLIC STREET(S)

WHEREAS, following adoption of a Resolution of Intent, due advertisement, property notices, and public hearing as provided by law, the Kinston City Council finds as facts the following:

WHEREAS, a public hearing was held February 15, 2010 by the City Council to consider abandoning and closing the following public street(s) described as follows:

Tower Hill Road- Being a portion of Towerhill Road on the west side/bank of Adkin Branch (approximately 40.94 feet by 65.47 feet by 40.94 feet by 70.11 feet) lying between the property of Adkin Alumnae & Friends, Inc. and City of Kinston (formerly the Beech-Miller heirs) at 413 Pine Street.

Elm Street- Being a portion of Elm Street on the east side/bank of Adkin Branch (approximately 52.43 feet by 75 feet by 52.43 feet by 75 feet) lying between the creek and an existing sewer line easement.

Mulberry Street- Being a portion of Mulberry Street (approximately 50.4 feet by 100 feet by 50.4 feet by 90 feet) lying between Adkin Branch and the right of way for Sycamore Street and adjacent to City owned properties at 1210 Sycamore Street and 1100 Mulberry Street.

Pine Street- Being a portion of Pine Street (approximately 30 feet by 125 feet by 30 feet by 150 feet) adjacent to City owned properties located at 302, 305, & 307 Pine Street and 1116 & 1118 Chestnut Street.

Chestnut Street- Being a portion of Chestnut Street (approximately 34 feet by 75 feet by 34 feet by 90 feet) adjacent to City-owned properties located at 1111, 1116, & 1118 Chestnut Street.

Waters Street (at Clay Street)- Being a portion of Waters Street (approximately 40 feet by 45 feet by 45 feet by 72 feet) from Adkin Branch to the right of way of Clay Street adjacent to City owned properties.

Sycamore Street- Being a portion of Sycamore Street (approximately 55.54 feet by 150 feet by 55 feet by 150 feet) crossing Adkin Branch and adjacent to 1020, 1021, & 1023 Sycamore Street.

Hodges Street- Being a portion of Hodges Street (approximately 40 feet by 180 feet by 40 by 180 feet) lying along the northern property line of Zeta Omicron Omega and extending from Adkin Branch to Miller Street.

S. Cypress Street- Being a portion of S. Cypress Street (approximately 50.7 feet by 100 feet by 55 feet by 100 feet) adjacent to Adkin Branch and City owned properties107 & 110 S. Cypress Street.

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S. Rochelle Blvd.- Being a portion of S. Rochelle Blvd. (approximately 60 feet by 75 feet by 60 feet by 60 feet) adjacent to Adkin Branch and City-owned properties 111 &113 S. Rochelle Blvd. and LR# 26633.

S. Melvin Street- Being a portion of S. Melvin Street (approximately 40 feet by 100 feet by 40 feet by 100 feet) crossing Adkin Branch and extending 100 feet +/- north to an existing sewer easement located in Melvin Street adjacent to City-owned properties.

S. Isler Street- Being a portion of S. Isler Street (approximately 40 feet by 125 feet by 40 feet by 150 feet) crossing Adkin Branch and extending north 125 +/- feet to an existing sewer line easement.

S. Dover Street- Being a portion of S. Dover Street (approximately 40 feet by 500 feet by 40 feet by 500 feet) crossing Adkin Branch and extending north 300 feet adjacent to property owned by the City.

S. Secrest Street – being a portion of S. Secrest Street (approximately 50 feet by 300 feet by 50 feet by 300 feet) crossing Adkin Branch and extending north 150 +/- feet adjacent to property owned by the City.

Forest Street- Being a portion of Forest Street (approximately 40 feet by 100 feet by 40 feet by 100 feet) crossing Adkin Branch and extending south 100 +/- feet adjacent to City owned property.

S. Myrtle Avenue- Being a portion of S. Myrtle Avenue (approximately 50 feet by 200 feet by 50 feet by 200 feet and approximately 125 feet by 35 feet by 125 feet by 35 feet) crossing Adkin Branch and allowing for installation of a new pedestrian bridge and access thereto on the south side of Holloway Park adjacent to City owned properties.

Desmond Street- Being a portion of Desmond Street (approximately 35 feet by 60 feet by 35 feet by 70 feet) extending between Adkin Branch and an existing sewer easement on City-owned property at 1513 & 1552 Desmond Street.

Shine Street- Being a portion of Shine Street (approximately 50 feet by 500 feet by 50 feet by 500 feet) extending in a westerly direction from the intersection of Shine Street and Holloway Drive on Shine Street across Adkin Branch, an existing sewer easement, and stormwater BMP structure #9 for approximately 500 feet adjacent to city owned properties.

Reed Street- Being a portion of Reed Street (approximately 50 feet by 100 feet by 50 feet by 125 feet) extending between Adkin Branch and an existing sewer line easement.

WHEREAS, the Kinston City Council finds the closing of said public street(s) is not contrary to the public interest and that no individual owning property in the vicinity of said street(s) will be thereby deprived of reasonable means of ingress and egress to their property.

NOW, THEREFORE, IT IS ORDERED BY THE CITY OF KINSTON:

Section 1. That said the above listed street right-of-ways are hereby declared to be closed.

Section 2. That effective as of the date of this order, all right, title and interest in the street rights-of-way herein above described shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent thereto and the title of such adjoining landowners, for the width of the abutting land owned by them shall extend to the center line of the street unless those owners have already executed or hereafter execute a deed releasing any claim to said land.

Section 3. That the City of Kinston declares its retention of utility and drainage easements in the portions of the public right-of-ways listed above.

Section 4. That the order shall be in full force and effect from and after its adoption this 19th day of April, 2010 and a copy hereof shall be recorded in the office of the Register of Deeds of Lenoir County.

CERTIFICATION

The undersigned, duly qualified and acting City Clerk of the City of Kinston, does hereby certify that the above Ordinance is a true and correct copy of Ordinance Number 33-2010 as adopted at a legally convened meeting of the City Council of the City of Kinston duly held on the 19th day of April, 2010, and further that such Ordinance has been fully recorded in the journal of proceedings and records in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF KINSTON, NORTH CAROLINA, this the 28th day of November, 2011.

Christina Aphin, City Clerk
Kinston, North Carolina