MANNING FULTON

Attorneys

September 21, 2022

<u>Via U.S. Mail</u>

Town of Apex Attn: Mr. Allen Coleman, Town Clerk Apex Town Hall 73 Hunter Street Apex, NC 27502

Town of Apex Attn: Mr. Allen Coleman, Town Clerk PO Box 250 Apex, NC 27502 MANNING FULTON & SKINNER PA 3605 GLENWOOD A VENUE GLENWOOD PLAZA, SUITE 500 RALEIGH, NC 27612-3970

P. O. Box 20389 Raleigh, NC 27619-0389

Jessica B. Vickers Phone: 919.787.8880 Vickers@ManningFulton.com

Re: Right of Way Closure – Portion of Old Raleigh Road (NCSR 1435, Formerly Apex Macedonia Road) Abandoned by NCDOT within the Bounds of the Property (as Hereinafter Defined); *Our File No. 32609-T29929*

Dear Mr. Coleman:

This firm represents Andoria Enterprises, LLC, a North Carolina limited liability company ("Andoria"), in connection with its ownership of certain property located in Apex, Wake County, North Carolina, commonly known as 614 Old Mill Village Drive (and sometimes also known as 0 Laura Duncan Road), bearing Tax PIN 0742-61-2827 (REID 0206599), and more particularly described as Lot "1" on the plat of survey titled "Recombination Plat Old Mill Village ~ Lot 1" recorded in Book of Maps 2020, Page 36, Wake County Registry (the "Property"). As you are likely aware, I have been communicating with Mr. Brian Meyer, as attorney for the Town of Apex, regarding Andoria's request to have the portions of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macedonia Road) within the bounds of the Property permanently closed in accordance with N.C.G.S. § 160A-299. The portion of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macedonia Road) that Andoria requests the Town of Apex to close is highlighted and shown on the survey plat enclosed with this letter, being the same survey plat recorded in Book of Maps 2020, Page 36, Wake County Registry.

In support of Andoria's request, we have enclosed a letter dated August 18, 2022, from Jeremy Warren, P.E., District Engineer with the North Carolina Department of Transportation, to Russell Dalton, Traffic Engineering Manager with the Town of Apex, regarding the right of way closure. As you will note from the enclosed letter, the portion of the right of way that Andoria seeks to have permanently closed "was part of the old alignment of Old Raleigh Road (formerly Apex Macedonia Road) prior to Old Raleigh Road being relocated to align with Hunter Street Extension under TIP Project U-2301 (State Project #9.8050118) in 1993." Similarly, the North Carolina Department of Transportation abandoned maintenance of the relevant portion of the right

of way under TIP Project U-2301 when the asphalt was removed, and the "North Carolina Department of Transportation consents to any right of way closure request that may be submitted to the Town of Apex as per NCGS 160A-299."

Accordingly, Andoria hereby respectfully requests that the Town of Apex proceed, under N.C.G.S. § 160A-299, with the permanent closure of all portions of the right of way of Old Raleigh Road (NCSR 1435, formerly Apex Macedonia Road) located within the bounds of the Property as shown on the enclosed map. In addition to the recorded plat, for ease of reference in identifying the Property, I have also enclosed the Wake County GIS map showing the Property, with and without the 2021 satellite imagery as the base map. As you will note from the satellite imagery, no evidence of pavement, asphalt, or other road infrastructure remains on the Property. Similarly, in accordance with the requirements for this request, as outlined by Mr. Meyer, enclosed please find (1) check No. 1102 in the amount of \$100.00 payable to the Town of Apex for the non-refundable deposit, and (2) check No. 1103 in the amount of \$600.00 payable to the Town of Apex for the deposit that is refundable up to the time of publication of notice.

As you are aware, N.C.G.S. § 160A-299 requires notice to all owners of property adjoining the to-be-closed street or alley as shown on the county tax records, and Mr. Meyer's instructions included a request for the list of adjacent owners. Based on our review of the maps and the tax records, the only owner adjoining the right of way for which Andoria requests closure is the following: George Calvin Atkins whose address is 7718 Lake View Street, Fayetteville, NC 28311-8846, and who owns PIN 0742-61-5846 (REID 0002547) commonly referred to as 0 Old Raleigh Road. Otherwise, the area of the right of way to be permanently closed is located wholly within the Property or adjoins existing public rights of way. We, of course, welcome additional review by the Town of Apex to ensure sufficient notice as required by the statute.

If you should have any questions or require anything else from our office in connection with this request, please do not hesitate to contact me at <u>vickers@manningfulton.com</u> or 919-510-9240. We appreciate your assistance with this matter, and we look forward to working with you to close this right of way permanently.

Sincerely,

MANNING, FULTON & SKINNER, P.A.

Jessica B. Vickers

Enclosures

cc: Ms. Kerry Stockman of Andoria (via email) Mr. Brian Meyer, Town of Apex Attorney (via email)



12



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER GOVERNOR J. ERIC BOYETTE Secretary

Date: August 18, 2022

COUNTY: Wake

SUBJECT: Right of Way Closure - Old Raleigh Road - (SR 1435) (Formerly Apex Macedonia Road)

Russell Dalton Traffic Engineering Manager 105-B Upchurch Street Apex, NC 27502

Mr. Dalton,

This letter is in response to recent questions concerning a portion of right of way located on Wake County Parcel # 0742612827 at the intersection of Old Raleigh Road and Laura Duncan Road in Apex, North Carolina. The subject area of right of way is shown on the attached plat. The right of way shown was part of the old alignment of Old Raleigh Road (formerly Apex Macedonia Road) prior to Old Raleigh Road being relocated to align with Hunter Street Extension under TIP Project U-2301 (State Project #9.8050118) in 1993.

Be advised, maintenance of this portion of right of way was abandoned under TIP Project U-2301 with removal of the asphalt. The North Carolina Department of Transportation does not claim any right of way across Wake County Parcel #0742612827. The North Carolina Department of Transportation consents to any right of way closure request that may be submitted to the Town of Apex as per NCGS 160A-299.

Please contact my office at (919) 733-3213 if additional information is needed.

Sincerely,

Jeremy Warren/TRE Digitally signed by Jeremy Warren/ TRE Date: 2022.08.18 10:29:47 -04'00'

Jeremy Warren, P.E. District Engineer JLW/TRE attachments

Mailing Address: NC DEPARTMENT OF TRANSPORTATION DOH DISTRICT 1 1575 MAIL SERVICE CENTER RALEIGH. NC 27699-1575 Telephone: (919) 733-3213 Fax: (919) 715-5778 Customer Service: 1-877-368-4968

Location: 4009 DISTRICT DRIVE RALEIGH, NC 27607

Website: www.ncdot.gov

BKBM2020PG00036







PARCEL_PK: 497342 REID: 0206599 PIN NUM: 0742612827 PIN_EXT: 000 LAND_VAL: 984489 TOTAL VALUE ASSD: 984489 DEED ACRES: 2.92 CITY: APE CITY_DECODE: APEX PLANNING JURISDICTION: AP TOWNSHIP: 20 TOWNSHIP_DECODE: White Oak OWNER: ANDORIA ENTERPRISES LLC ADDR1: 1142 MARKER DR ADDR2: APEX NC 27502-2434 DEED_BOOK: 018897 DEED_PAGE: 00978 DEED_DATE: 1/27/2022 LAND CODE: V LAND_CLASS: VAC LAND_CLASS_DECODE: Vacant **OWNERSHIP: 1020** ACTIVITY: 9000 FUNCTION: 9900 STRUCTURE: 9000 SITE: 1000 TOTSTRUCTS: 1 MAP NAME: 0742 19 BILLCLASS: 1 BILLING_CLASS_DECODE: Business PROPDESC: LOT RCMB OLD MILL VILLAGE BM2020 -00036 STNAME: LAURA DUNCAN STYPE: RD



<u>Disclaimer</u> iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied ,are provided for the data therein, its use,or its interpretation.