

4
Returned



Doc ID: 016784490004 Type: CRP
Recorded: 07/20/2023 at 11:45:12 AM
Fee Amt: \$26.00 Page 1 of 4
Onslow County, NC
Omega K. Jarman Reg. of Deeds

BK **6002** PG **430-433**

Prepared by and After Recording Return to:

Poyner Spruill LLP (Essick)
Post Office Box 1801
Raleigh, North Carolina 27602-1801

STATE OF NORTH CAROLINA

**WITHDRAWAL AND REVOCATION
OF ROADWAY DEDICATION**

ONslow COUNTY

THIS WITHDRAWAL AND REVOCATION OF ROADWAY DEDICATION is made this 19 day of July, 2023 by **DANIEL SOOY AND REBEKAH SOOY**, property owners of that 0.611 acres of land shown as Lot 1 on that certain "Survey Map – Property of Charles Padgett" dated June 6, 1991 and recorded in Map Book 28, Page 85, Slide F-193, Onslow County Registry and more commonly known as 1090 New River Inlet Road, North Topsail Beach, North Carolina 28460 (the "**Property**");

WHEREAS, on November 15, 1957, a subdivision plat entitled "Division Map of A.M. Grant's Hobbs Island Tract" dated July 2 and 3, 1957 was recorded in Map Book 5, Page 48, Onslow County Registry (the "**Dedication Map**"). The Dedication Map delineates certain lots and streets from the Inland Waterway to the Atlantic Ocean along Topsail Island Highway and offers a dedication of a 30-foot roadway right of way between Section 2, owned by Lucy W.C. & Adolf Lof, and Section 3, owned by Willma G. & Vernon Offutt.

WHEREAS, on February 20, 1992, a plat entitled "Survey Map – Property of Charles Padgett" dated June 6, 1991 was recorded in Map Book 28, Page 85, Onslow County Registry (the "**Survey Map**"). The Survey Map delineates certain lots and streets along the same portion of Topsail Island Highway as the Dedication Map as well as the previously dedicated 30-foot roadway right of way, a portion of which traverses the Property.

WHEREAS, N.C.G.S. § 136-96 provides that "[e]very strip, piece, or parcel of land that has been at any time dedicated to public use as a road, highway, street, avenue, or for any other purpose whatsoever, by a deed, grant, map, plat, or other means, and that has not been actually

opened and used by the public within 15 years after its dedication is conclusively presumed abandoned by the public for the purpose for which it was dedicated; and no person shall have any right or cause of action thereafter to enforce any public or private easement in the land” once the dedicator or persons claiming under the dedicator record in the register’s office a “declaration withdrawing the strip, piece, or parcel of land from the public or private use to which it was dedicated.”

WHEREAS, the current owners of the Property, **DANIEL SOOY AND REBEKAH SOOY**, are successors -in-interest to the prior dedicator of the abandoned 30-foot roadway right of way and desire to withdraw their portion of the roadway right of way from the public use to which it was dedicated, in particular, the 15-foot portion that traverses the portion of the Property as shown on the Survey Map.

WHEREAS, the portion of the 30 foot roadway right of way shown on the Dedication Map and the 15 foot portion shown on the Survey Map traversing the Property has never been opened and used by the public as a road or street and is not necessary for ingress or egress to any parcel of land.

WHEREAS, the 30 foot roadway right of way has never been accepted by any governmental entity for the construction or maintenance of any roadway, the prior dedication is not part of any future street shown on any street plan adopted pursuant to N.C.G.S § 136-66.2 and more than 15 years has elapsed since the original dedication was made in 1957.

NOW, THEREFORE, to the extent that an offer to dedicate the 30-foot roadway right of way shown on the Dedication Map and the Survey Map was ever made, it is hereby revoked as to the 15 foot portion the traverses the Property and shall hereby become null and void and shall be of no further effect pursuant to N.C.G.S. § 136-96.

(Signatures Contained on Next Page)

IN WITNESS THEREOF, DANIEL SOOY AND REBEKAH SOOY have executed this instrument as of the day and year first above written.



Daniel Sooy



Rebekah Sooy

STATE OF NORTH CAROLINA

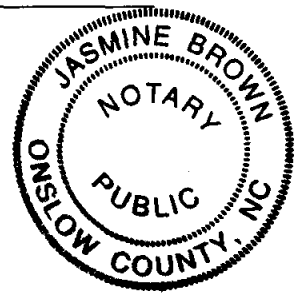
COUNTY OF Onslow

I, a Notary Public for the County and State aforesaid, do hereby certify that **DANIEL SOOY** personally came before me this day and acknowledged that he is a property owner of the address more commonly known as 1090 New River Inlet Road, North Topsail Beach, North Carolina 28460, and that he, being authorized to do so, executed the foregoing. Witness my hand and official seal, this the 19 day of July, 2023.

My Commission Expires: March 27, 2027

Jasmine Brown


Notary Public



STATE OF NORTH CAROLINA

COUNTY OF Onslow

I, a Notary Public for the County and State aforesaid, do hereby certify that **REBEKAH SOOY** personally came before me this day and acknowledged that he is a property owner of the address more commonly known as 1090 New River Inlet Road, North Topsail Beach, North Carolina 28460, and that he, being authorized to do so, executed the foregoing. Witness my hand and official seal, this the 19 day of July, 2023.

My Commission Expires: March 27, 2027

Jasmine Brown


Notary Public

