

15.

BOOK

PAGE

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STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

DECLARATION WITHDRAWING
A 100 FOOT RIGHT-OF-WAY
AS SHOWN ON RECORDED PLATS
OF SECTIONS III, IV, V AND VI,
CREEKWOOD NORTH SUBDIVISION

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WHEREAS, N.C.G.S. § 136-96 provides that any parcel of land dedicated for public use by map which shall not have been actually opened and used by the public within fifteen years from and after the dedication thereof, shall be thereby conclusively presumed to have been abandoned by the public for the purposes for which same shall have been dedicated; and

WHEREAS, predecessors in title to the Housing Authority of the City of Wilmington, North Carolina, have previously dedicated a 100 foot right-of-way variously identified on recorded plats of Sections III, IV, V and VI of Creekwood North Subdivision as follows:

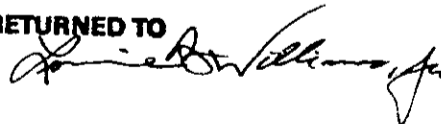
(1) Section III, Creekwood North Subdivision, recorded May 19, 1972 in Map Book 13, Page 21, New Hanover County Registry, indicating a 100.86 foot right-of-way designated "Proposed Thoroughfare";

(2) Section IV, Creekwood North Subdivision, recorded September 13, 1972 in Map Book 13, Page 43, New Hanover County Registry, indicating a 100.86 foot right-of-way designated "this area (100' R/W) is hereby dedicated to the City of Wilmington, N.C.";

(3) Section V, Creekwood North Subdivision, recorded February 2, 1973, in Map Book 14, Page 10, New Hanover County Registry, indicating a 100 foot right-of-way; and

(4) Section VI, Creekwood North Subdivision, recorded May 16,

RETURNED TO



1974 in Map Book 15, Page 40, New Hanover County Registry, indicating a 100 foot right-of-way designated "Smith Creek Blvd"; and

WHEREAS, the right-of-way identified hereinabove and shown on the recorded plats of Creekwood North Subdivision, Sections III, IV, V, and VI (herein "the dedicated right-of-way") has never been actually opened and used by the public since the maps described hereinabove were recorded in the office of the Register of Deeds, New Hanover County, N.C.; and

WHEREAS, more than fifteen years have passed since the dedication of this right-of-way; and

WHEREAS, the dedicated right-of-way as shown on said maps is not necessary to afford convenient ingress and egress to any lot or parcel of land sold or conveyed by the dedicators of such right-of-way; and

WHEREAS, the Housing Authority of the City of Wilmington, North Carolina is now the record owner of the land within said dedicated right-of-way pursuant to deeds recorded in Book 937, Page 651, and Book 1594, Page 1067, in the New Hanover County Registry; and

WHEREAS, the City of Wilmington by resolution adopted on December 18, 1990 has determined that the dedicated right-of-way as shown on the maps referred to hereinabove is not part of the City's Thoroughfare Plan adopted pursuant to G.S. 136-66.2.

NOW, THEREFORE, the Housing Authority of the City of Wilmington, N.C., declares that the dedicated right-of-way as identified on the following maps is hereby withdrawn from

dedication in accordance with the provisions of N.C.G.S. § 136-96:

(1) Section III, Creekwood North Subdivision, recorded May 19, 1972 in Map Book 13, Page 21, New Hanover County Registry, indicating a 100.86 foot right-of-way designated "Proposed Thoroughfare";

(2) Section IV, Creekwood North Subdivision, recorded September 13, 1972 in Map Book 13, Page 43, New Hanover County Registry, indicating a 100.86 foot right-of-way designated "this area (100' R/W) is hereby dedicated to the City of Wilmington, N.C.";

(3) Section V, Creekwood North Subdivision, recorded February 2, 1973, in Map Book 14, Page 10, New Hanover County Registry, indicating a 100 foot right-of-way; and

(4) Section VI, Creekwood North Subdivision, recorded May 16, 1974 in Map Book 15, Page 40, New Hanover County Registry, indicating a 100 foot right-of-way designated "Smith Creek Blvd."

Attached to this Declaration and incorporated herein by reference is a true copy of a resolution adopted by the City Council of the City of Wilmington on December 18, 1990 concluding that the right-of-way for Smith Creek Boulevard as described on the recorded plats for Sections III, IV, V and VI of the Creekwood North Subdivision is not a part of the City's Thoroughfare Plan adopted pursuant to G.S. 136-66.2 (said right-of-way for Smith Creek Boulevard being the same as the right-of-way described in subparagraphs 1 through 4 of the preceding paragraph).

This 21st day of April, 1992.

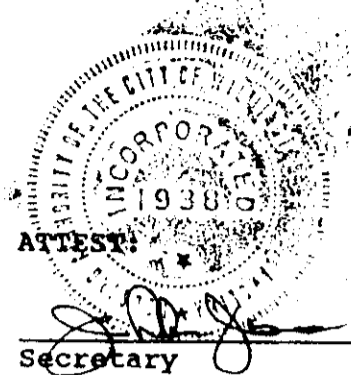
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HOUSING AUTHORITY OF THE CITY OF WILMINGTON



By:

Richard C. Redman
Chairman

ATTEST:

J. Alan Jones
Secretary

STATE OF NORTH CAROLINA

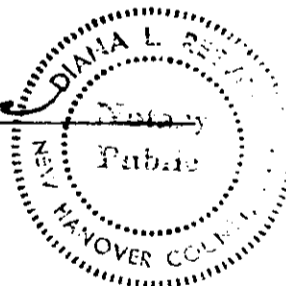
COUNTY OF NEW HANOVER

I, DIANA L. REEVES, a Notary Public of the County and State aforesaid, certify that _____

J. ALAN JONES personally came before me this day and acknowledged that he/she is Secretary of the Housing Authority of the City of Wilmington, North Carolina, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal, and attested by himself/herself as its Secretary.

WITNESS my hand and official stamp or seal, this 21st day of APRIL, 1992.

Diana L. Reeves
Notary Public



My Commission Expires:

July 31, 1995

The foregoing certificate of DIANA L. Reeves,
Notary Public

_____ is
certified to be correct. This instrument and this certificate are
duly registered at the date and time and in the Book and Page shown
on the first page hereof.

REBECCA TUCKER CHRISTIAN-REGISTER OF DEEDS FOR NEW HANOVER COUNTY
BY: Linda F. Alton DEPUTY/ASSISTANT REGISTER OF DEEDS

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RECORDED & VERIFIED
REBECCA T. CHRISTIAN
REGISTER OF DEEDS
NEW HANOVER CO. NC
92 APR 24 11 AM 10 21

" ATTACHMENT "

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1-18-90

C.P. 13

INTRODUCED BY: William B. Farris, City Manager

CITY COUNCIL
CITY OF WILMINGTON
NORTH CAROLINA

December 18, 1990

RESOLUTION CONCERNING VACANT STREET RIGHT-OF-WAY
IN THE CREEKWOOD NORTH SUBDIVISION

LEGISLATIVE PURPOSE/INTENT:

The Wilmington Housing Authority by plats for Section III, IV, and VI of the Creekwood North Subdivision dedicated a 100-foot wide right-of-way for the proposed Smith Creek Boulevard to the City of Wilmington.

This right-of-way has never been accepted by the City of Wilmington and is no longer needed for the Smith Creek Parkway Project because the alignment of such roadway has been relocated.

The Wilmington Housing Authority is proposing to withdraw such right-of-way from dedication pursuant to the provisions of G.S. 136-96 so that the property included in such right-of-way may be used for the construction of housing for low and moderate income individuals.

Pursuant to G.S. 136-96, upon request, a City shall adopt a resolution indicating that the dedication of a street described in a proposed declaration of withdrawal is or is not part of the Thoroughfare Plan adopted by the City pursuant to G.S. 136-66.2.

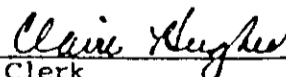
NOW, THEREFORE, BE IT RESOLVED BY THE WILMINGTON CITY COUNCIL THAT:

The City of Wilmington has determined that the right-of-way for Smith Creek Boulevard as described on the recorded plats for Section III, IV and VI of the Creekwood North Subdivision is not part of the City's Thoroughfare Plan adopted pursuant to G.S. 136-66.2..


Don Betz, Mayor

Adopted at a regular meeting
on December 18, 1990.

ATTEST:


City Clerk

CERTIFIED TO BE A TRUE COPY


CITY CLERK.



11290