



# MEMORANDUM

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**TO:** Mayor and Members of the City Council

**FROM:** Montique McClary, Interim City Manager  
Kellen Long, Community Development Director

**DATE:** September 9, 2022

**REF:** Consideration –Call for a Public Hearing for the Closing of Kramer Street

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***BACKGROUND:***

Staff previously met with J.W. Jones Lumber company in June to discuss the closing of Kramer Street, which is a City own and maintained street that runs adjacent to properties that are solely owned by J.W. Jones Lumber Company. Kramer Street is basically a dead end street that doesn't take you to any designation. Based on the City's Powell Bill Map, the street becomes a complete dead end once you reach just under 600 feet. A digital survey has been attached to your packets to indicate the proposed street closure. Staff has worked with J.W. Jones Lumber and the surveyor to dedicate two easements on the survey for both City water lines and electricity.

NCGS §160A-299 provides the procedure for closing an alleyway or street. First, the City Council must adopt a Resolution of Intent to close the street. The resolution is required to set the time for a Public Hearing, which must be at least five weeks after the adoption of the Resolution of Intent. The Resolution of Intent must be published once a week for four weeks in *The Daily Advance*. In addition, the City must mail a notice to the adjacent property owners by Certified Mail. The street or alleyway must also be posted in two places. Anyone may speak at the Public Hearing, not just the adjacent property owners. If the Council elects to close a street, the Council will need to adopt an Order closing such, and that Order must be recorded with the Office of Register of Deeds.

***ANALYSIS:***

Attached is a Resolution of Intent to close Kramer Street, located between East Ward Street, and Knobbs Creek Drive. The Resolution of Intent calls for a public hearing regarding the closure of Kramer Street to be held in Council Chambers on October 24, 2022 at 7:00 p.m. If approved, the resolution would be published for four (4) consecutive

weeks in The Daily Advance, the adjacent property owners would be notified by Certified Mail, and the street would be posted in two separate locations by staff.

***STAFF RECOMMENDATION:***

By motion, approve the attached Preliminary Resolution of Intent to close Kramer Street as presented, as well as call for a public hearing to be held on Monday, October 24, 2022 at 7:00 p.m. in Council Chambers located in the Gardner Municipal Building at 306 East Colonial Avenue, Elizabeth City, NC.



**RESOLUTION #2022-09-02  
TO CLOSE KRAMER STREET**

**WHEREAS**, NCGS 160A-299 authorizes the City Council to close public streets and alleys; and

**WHEREAS**, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a non-state maintained street (Kramer Street), further identified on the attached survey, which is incorporated herein by reference:

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City that:

- 1) A public hearing will be held at 7:00 PM on the 24<sup>th</sup> day of October 2022 in the City Council Chambers of the Gardner Municipal Building to consider a resolution to close Kramer Street.
- 2) The City Clerk is hereby directed to publish this Preliminary Resolution once a week for four successive weeks in The Daily Advance, or other newspaper of general circulation in the area.
- 3) The City Clerk is further directed to transmit by registered or certified mail to each owner of the property abutting upon that portion of said street a copy of the Preliminary Resolution.
- 4) The City Clerk is further directed to cause adequate notices of the Preliminary Resolution and the scheduled public hearing to be posted as required by NCGS 160A-299.

**Adopted**, this day the 12<sup>th</sup> of September 2022.

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E. Kirk Rivers  
Mayor


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April Onley, NCCMC  
City Clerk

# PETITION FOR CLOSING A STREET

We, the undersigned owners of the lot(s) adjacent to the street,  
known as Kramer Street and located between  
\_\_\_\_\_ and \_\_\_\_\_

in the City of Elizabeth City, North Carolina, do hereby petition  
the City Council of the City of Elizabeth City to execute the  
necessary action to close the above described street, as per  
instructions set forth in North Carolina General Statute Number  
160A-299.1.

 Signature  
Stephen Jones, TMA of Elizabeth City, NC Printed Name  
1443 Northside Road Mailing Address  
Elizabeth City, NC 27909

 Signature  
Mark Delorey, JW Jones Lumber Co, Inc. Printed Name  
1443 Northside Road Mailing Address  
Elizabeth City, NC 27909

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Mailing Address  
\_\_\_\_\_

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Mailing Address  
\_\_\_\_\_

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Mailing Address  
\_\_\_\_\_

I, EDWARD T. HYMAN, JR. CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM REFERENCED DEEDS, PLATS AND AERIAL PHOTOS, NO FIELD WORK HAS BEEN PERFORMED THIS DATE, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 2 DAY OF SEPTEMBER, 2022.

I, EDWARD T. HYMAN, JR. PLS-2690, CERTIFY,

(F11) D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.



EDWARD T. HYMAN, JR.  
P.L.S. L-2690

GRAPHIC SCALE

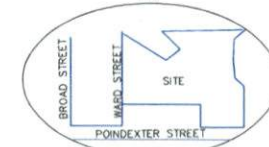


( IN FEET )  
1 inch = 200 ft.

I, \_\_\_\_\_ REVIEW OFFICER OF PASQUOTANK COUNTY  
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL

REVIEW OFFICER

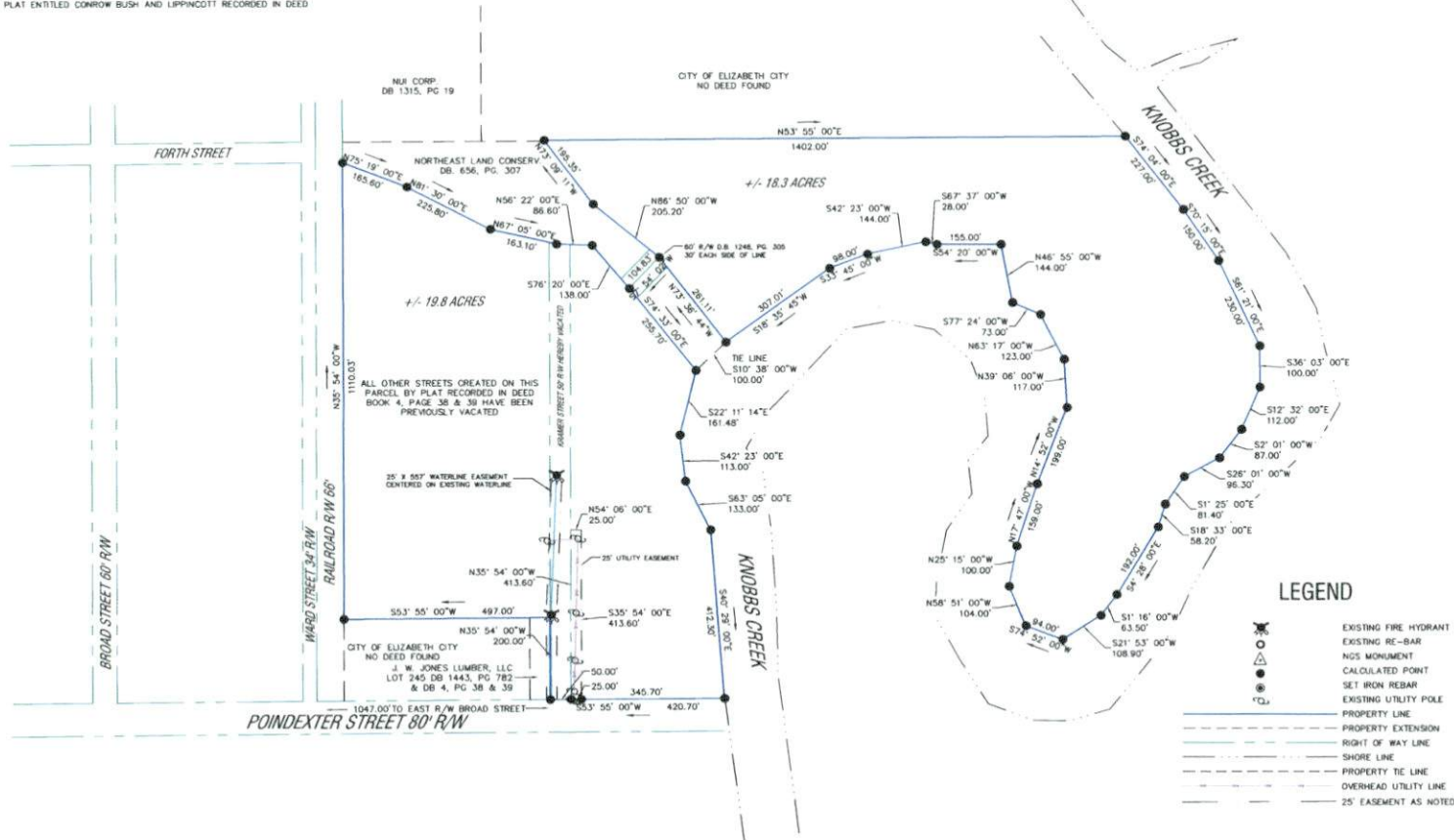
VICINITY MAP



**NOTE - THE PURPOSE OF THIS PLAT IS TO VACATE KRAMER STREET AND DEDICATE A UTILITY EASEMENT. THIS PLAT HAS BEEN DRAWN FROM DEEDS, PLATS AND AERIAL PHOTOS REFERENCED HEREON, NO FIELD WORK HAS BEEN PERFORMED THIS DATE, THIS PLAT DOES NOT SHOW ENCROACHMENTS AN ACTUAL FIELD SURVEY MIGHT REVEAL NOR SHOULD IT BE USED FOR ANY OTHER PURPOSE THAN STATED HEREON.**

NOTES:

- 1.) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- 2.) AREA COMPUTED BY USING COORDINATE METHOD.
- 3.) REFERENCE A SUBDIVISION PLAT ENTITLED CONROW BUSH AND LIPPINCOTT RECORDED IN DEED BOOK 4, PAGE 38 & 39.



LEGEND

- EXISTING FIRE HYDRANT
- EXISTING RE-BAR
- NGS MONUMENT
- CALCULATED POINT
- SET IRON REBAR
- EXISTING UTILITY POLE
- PROPERTY LINE
- PROPERTY EXTENSION
- RIGHT OF WAY LINE
- SHORE LINE
- PROPERTY TIE LINE
- OVERHEAD UTILITY LINE
- 25' EASEMENT AS NOTED

**A.E.T. HYMAN, JR.**  
SURVEYING  
113 SUNSET AVE.  
CAMDEN, NC 27921  
(252) 339-4766

PLAT PREPARED FOR PETITION TO CLOSE KRAMER STREET AND DEDICATE AN UTILITY EASEMENT FOR  
**TMA OF ELIZABETH CITY, LLC**  
ELIZABETH CITY TOWNSHIP  
PASQUOTANK COUNTY, NORTH CAROLINA  
BEING THE PROPERTY RECORDED IN DEED BOOK 656, PAGE 311.

REVISIONS:  
09/02/2022  
WATER EASEMENT ADDED

**1**  
DRAWING # J.W. JONES LUMBER CO  
DITCH RD 001  
APPROVED JTH  
DATE 09/02/2022  
SHEET # 1 OF 1  
PROJECT # J.W. JONES LUMBER

BOOK 1443 PAGE 782 (3)

470331



This document presented and filed:  
03/01/2022 02:44:35 PM

*Clementine White*  
CLEMENTINE WHITE, Pasquotank County, NC  
Excise Tax: \$62.00

**PASQUOTANK COUNTY**

Deed number 22-518  
Transfer tax \$ 310.00 pd VKC  
Delinquent tax \$ 0  
*DB*  
Pasquotank County Assessor's Office

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 62.00

Parcel Identifier No. 892417029129 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: H. T. Mullen, Jr., Attorney at Law, 101 East Elizabeth Street, Elizabeth City, NC 27909

This instrument was prepared by: H. T. Mullen, Jr., Attorney at Law

Brief description for the Index: \_\_\_\_\_

THIS DEED made this 28 day of February, 2022 by and between

GRANTOR	GRANTEE
THOMAS W. POWELL, SR. and wife, ALICE C. POWELL	J. W. JONES LUMBER CO. INC. 1443 NORTHSIDE ROAD ELIZABETH CITY, NC 27909

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of \_\_\_\_\_, ELIZABETH CITY Township, PASQUOTANK County, North Carolina and more particularly described as follows:

PLEASE SEE ATTACHED EXHIBIT FOR LEGAL DESCRIPTION

The property hereinabove described was acquired by Grantor by instrument recorded in Book 143 page 502.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

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EXHIBIT A

One house and lot in Elizabeth City, said lot being more particularly described as follows: Known as lot No. 245 on plat of Conrow, Bush & Lippincott, recorded in Deed Book 4, Pages 38 and 39, office of Register of Deeds, Pasquotank County, containing 50 feet fronting on Pennsylvania Avenue by 200 feet deep, and being the same property conveyed to Wilson Turner by C. E. Thompson, Trustee, by deed dated April 29, 1931, and being the identical property Wilson Turner et ux conveyed to G. J. Lacy by deed dated 15 September 1931 in Deed Book 80 at Page 50. See also Will of George Lacy in Will Book "S" at Page 555, Clerk's Office, Pasquotank County, N.C. Reference is made to that certain deed recorded in Deed Book 143, Page 502 of the Pasquotank County Public Registry.

The above-described tract of land being the same parcel being devised to Tommy Powell by the Will of his father, Samuel Powell who died in 2010, a resident of Pasquotank County.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written,

\_\_\_\_\_  
(Entity Name)

Thomas W. Powell, Sr. (SEAL)  
THOMAS W. POWELL, SR.

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Alice C. Powell (SEAL)  
ALICE C. POWELL

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

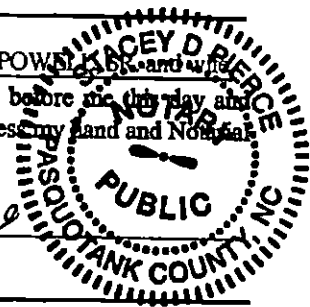
State of North Carolina - County of Fasquodunk

I, the undersigned Notary Public of the County and State aforesaid, certify that THOMAS W. POWELL, SR. and wife ALICE C. POWELL

personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 1st day of March, 2022

My Commission Expires: 9/15/2026

Stacey D. Pierce  
Notary Public



State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he is the \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_, a North Carolina or \_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of North Carolina - County of \_\_\_\_\_

I, the undersigned Notary Public of the County and State aforesaid, certify that \_\_\_\_\_

Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

The foregoing Certificate(s) of \_\_\_\_\_ is/are 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.

Register of Deeds for \_\_\_\_\_ County

By: \_\_\_\_\_ Deputy/Assistant - Register of Deeds