

Declaration Withdrawing Dedication of Alley Pursuant to N.C. Gen. Stat. § 136-96

Prepared by and return to: David Rooks, Northen Blue, LLP, P.O. Box 2208, Chapel Hill, NC 27525

PIN: 9788-16-8734

WHEREAS, L. Short, LLC is the owner of that certain 23,246 square foot lot on West Rosemary Street, Chapel Hill, NC conveyed to it by deed recorded at Book 4118, Page 179; and

WHEREAS, a predecessor in title to the foregoing lot recorded a plat on March 2, 1976 at Plat Book 25, Page 37 Orange County Registry offering a 12 foot wide strip along the southern line of the property for public use as an alley(the "Alley"); and,

WHEREAS, more than 15 years have passed since the offer of dedication on the foregoing plat and the Alley has not been opened and used by the public or maintained by the Town of Chapel Hill or the State of North Carolina or included on a future street plan adopted pursuant to N.C. Gen. Stat. § 136-66.2; and

WHEREAS, L. Short, LLC wishes to withdraw a portion of the Alley from public or private use in accordance with N.C. Gen. Stat. § 136-96;

NOW, THEREFORE, L. Short, LLC declares as follows:

1. That the portion of the Alley described below is withdrawn from public and private use said portion being more particularly described as:

BEGINNING at a control corner, the southeast corner of the property of L. Short, LLC as described in Deed Book 4118, Page 179, Orange County Register; thence, along the southern line of L. Short, LLC South 63° 27' 17" West 60.00 feet to a point in the southern line of said property; thence, North 25° 39' 38" West 12 feet to a point; thence, North 63° 27' 17" East 60.00 feet to a point in the eastern line of the property of L. Short, LLC; thence, along the eastern line of the L. Short, LLC, property, South 25° 39' 38" East 12 feet to the point and place of BEGINNING and being the 719 square foot section of the alley designated as "Portion of 12' Public Alley To Be Closed" on the plat recorded at Plat Book

\_\_\_\_\_, Page \_\_\_\_\_, Orange County Registry to which reference is made for a more particular description.

2. That a copy of the resolution adopted by the Town of Chapel Hill indicating the portion of the Alley which this Declaration withdraws from dedication is not shown on any future street plan the Town has adopted pursuant to N.C. Gen. Stat.. § 136-66.2. A copy of the resolution is attached to this Declaration as Exhibit A.

IN WITNESS WHEREOF the Declarant has authorized its manager to sign this Declaration on behalf of the Company this the \_\_\_\_ day of July 2009.

L. Short, LLC

By: \_\_\_\_\_  
Larry Short, Manager

NORTH CAROLINA, \_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, certify that Larry Short personally appeared before me this day and acknowledged that he/she is Manager of L. Short, LLC a limited liability company, and that he as Manager being authorized to do so, executed the foregoing on behalf of the company.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Notary Public  
My Commission Expires:

(Notary Seal)