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May 8, 2002

Kathryn Spatz, Director  
Department of Parks and Recreation  
Town of Chapel Hill  
200 Plant Road  
Chapel Hill, NC 27514

RE: Property of Cliff and Linda Butler; Lot 2-8, Countrywide Subdivision

Dear Kathryn:

Pursuant to our telephone conversation, enclosed please find a plat of survey that shows the Butler property. You will see that due to survey errors that were made twenty-two years ago when the house was built by one of the Goforth companies, the driveway, garage, a picket fence and four stacked stone walls encroach into open space that was dedicated to the Town by plat of record at Plat Book 22 Page 195, Orange County Registry. In fact, the fence and the walls actually protrude into a deed gap area shown by plat of record at Plat Book 36 Page 57, Orange County Registry, a copy of which is also enclosed for your reference. The deed gap area adjoins Cedar Falls Park.

The Butlers have continuously occupied both the open space area and a portion of the deed gap area for more than twenty-two years. In my opinion, they now have a claim to ownership of the strip of open space, the western half of the deed gap area and any additional portion of the deed gap area that they have been continuously occupying. Rather than assert those claims, the Butlers have directed me to seek a cooperative resolution of the situation that will benefit both the Town and them. Accordingly, I met with Sonna Lowenthal and J.B. Culpepper last month to explain the situation and to propose the following:

1. that the Town convey by quitclaim deed to the Butlers the strip of open space area that abuts their eastern boundary, which I believe was originally intended to provide pedestrian access to Cedar Falls Park;
2. that the Butlers convey by quitclaim deed to the Town the entire deed gap area,

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which appears to be more than twice as large as the strip of open space to be conveyed to the Butlers;

3. that the Butlers remove their fence and walls from the deed gap area; and
4. that the Butlers pay the cost of preparation of the quitclaim deeds and any recombination plat that might be required.

This would solve the encroachment and set-back problems that the Butlers may have, and would settle title to the deed gap area in the Town, effectively annexing it to Cedar Falls Park. Pedestrian access to Cedar Falls Park would also be preserved.

Sonna and Jenny Bob directed me to present this proposal to you, and, at your request, I have tried to state it as succinctly as possible in writing. Thank you for your attention, and if you have any questions or need any further information to help us achieve this resolution, please let me know.

Sincerely,

Bagwell, Holt & Smith, P.A.

Handwritten signature of Ken Bagwell in cursive script.

O. Kenneth Bagwell, Jr.

OKB: sam

Enclosures

xc: Cliff and Linda Butler

Sonna Lowenthal, Assistant Manager  
Town of Chapel Hill

J.B. Culpepper, Director  
Town of Chapel Hill Planning Department