

City of

172

BK1740 P0954

NORTH CAROLINA)
FORSYTH COUNTY)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
92 CVS 1906

CITY OF WINSTON-SALEM,
Plaintiff,
v.
S & K INVESTMENTS, INC.,
Defendant.

MEMORANDUM OF ACTION

TAKE NOTICE:

1. That on the 26th day of March, 1992, the Plaintiff, pursuant to the provisions of Chapter 136 of the General Statutes, instituted the above entitled civil action in the Superior Court of Forsyth County to acquire by condemnation the real property interest hereinafter described.
2. That the above-named Defendant is the person, firm or corporation the Plaintiff is informed and believes may have or claim to have an interest in the property.
3. The following matters are set forth in Exhibit A attached hereto and made a part hereof: Paragraph 1, a description of the entire tract or tracts of land affected by the taking; Paragraph 2, a statement of the interest or estate taken for public use; and Paragraph 3, a description of the area taken.

This Memorandum of Action is filed pursuant to G.S. 136-111.


Sherry R. Dawson,
Attorney for Plaintiff

City of Winston-Salem
City Attorney's Office
Room 155, City Hall
Post Office Box 2511
Winston-Salem, NC 27102

(919) 727-2056

PRESENTED FOR
REGISTRATION
AND RECORDING

92 MAR 26 P4:6

LEONARDAS
REGISTER OF DEEDS
FORSYTH CO. N.C.

117.00pd QR

EXHIBIT ADESCRIPTION OF PROPERTY AFFECTED

Being that property known as Tax Lots 23U and 23T of Block 3460, Forsyth County Tax Records and being a portion of the property conveyed to S & K Investments, Inc., by deed dated July 3, 1975, and recorded July 9, 1975 in Deed Book 1151, Page 455, Forsyth County Registry.

INTEREST OR ESTATE TAKEN

The City of Winston-Salem will acquire a fee simple title to the right of way, and permanent and temporary easements in the "Area Taken," as more particularly described therein, for the Historic Bethabara Parkway. The temporary construction easement will continue until the completion of the project, at which time the temporary construction easement will terminate and the area will revert to the owner.

AREA TAKEN

(Exhibit A continued on next page)

EXHIBIT A (CONTINUED)PERMANENT TAKING - TRACT I

BEGINNING at a point, the northwest corner of Lot 23U, Tax Block 3460, said point being located in the existing southerly right-of-way line of Speas Road; thence easterly along said southerly right-of-way line to the point of intersection with the proposed southerly right-of-way line of the Historic Bethabara Parkway, said point being located 45 feet southerly of and normal to Survey Line L of the Historic Bethabara Parkway; thence westerly along the said proposed right-of-way to a point located 40 feet southerly of and normal to Survey Station 22+00, Survey Line L; thence westerly along the said proposed right-of-way to the point of intersection with the westerly line of said Lot 23U, said point being located 40 feet southerly of and normal to Survey Line L; thence northerly along said westerly line to the point and place of BEGINNING.

PERMANENT TAKING - TRACT II

BEGINNING at a point in the westerly line of Lot 23U, Tax Block 3460, said point being the southeasterly corner of Lot 8, Tax Block 3578 located in the existing northerly right-of-way line of Speas Road; thence northerly along the said westerly line of Lot 23U to the point of intersection with the proposed northerly right-of-way line of the Historic Bethabara Parkway; thence easterly along the said proposed northerly right-of-way line to a point located 45 feet northerly of and normal to Survey Station 25+00, Survey Line L of the Historic Bethabara Parkway; thence easterly along the said proposed northerly right-of-way line to a point located 45 feet northerly of and normal to Survey Station PC 27+06.69 Survey Line L; thence easterly along the said proposed northerly right-of-way line in a curve to the right, at all points being 45 feet northerly of and normal to Survey Line L to a point of intersection with the existing westerly right-of-way line of Speas Road; thence southerly along said existing right-of-way line to the point and place of BEGINNING.

PERMANENT TAKING - TRACT III

BEGINNING at a point in the existing easterly right-of-way line of Speas Road said point being located 102 feet northerly of and normal to Survey Line L of the Historic Bethabara Parkway; thence northerly along the said existing easterly right-of-way line to a point of intersection with the proposed Speas Road cul-de-sac right-of-way said point being located 203 feet northerly of and normal to Station 30+14, Survey Line L; thence along said proposed cul-de-sac right-of-way line as it curves to the right along an arching a radius of 50 feet to the point and place of BEGINNING.

PERMANENT TAKING - TRACT IV

BEGINNING at a point of intersection of the existing easterly right-of-way line of Speas Road with the proposed northerly right-of-way line of the Historic Bethabara Parkway said point being located 45 feet northerly of and normal to Survey Line L of the Historic Bethabara Parkway; thence easterly along the said proposed northerly right-of-way line in a curve to the right, at all point being 45 feet northerly of and normal to Survey Line L to a point of intersection with the easterly line of Lot 23T, Tax Block 3460; thence southerly along the said easterly line to the point of intersection with the proposed southerly right-of-way line of the Historic Bethabara Parkway, said point being located 45 feet southerly of and normal to Survey Line L; thence westerly along the said proposed southerly right-of-way line in a curve to the left, at all points being 45 feet southerly of and normal to Survey Line L to a point of intersection with the existing easterly right-of-way line of Speas Road; thence northerly along the said existing right-of-way in a curve to the left to the point and place of BEGINNING.

The above-described permanent taking being Tracts I, II, III and IV containing 2.39 acres more or less, as shown on those right-of-way plans entitled "Historic Bethabara Parkway" showing the above-described parcel on file in the Engineering Division of the

Public Works Department in City Hall, Winston-Salem, NC to which reference is hereby made.

PERMANENT DRAINAGE EASEMENT - TRACT I

BEGINNING at a point in the proposed southerly right-of-way line of the Historical Bethabara Parkway, said point being located 40 feet southward of and normal to Survey Station 20+73, Survey Line L of the Historical Bethabara Parkway; thence eastwardly along said proposed southerly right-of-way line to a point located 40 feet southward of and normal to Survey Station 21+27, Survey Line L; thence southward along the eastwardly line of a proposed permanent drainage easement to a point located 90 feet southward of and normal to Survey Station 21+27, Survey Line L; thence westwardly along the southern line of said easement to a point located 90 feet southward and normal to Survey Station 20+87, Survey Line L; thence northwardly along the westwardly line of said easement to the point and place of BEGINNING.

PERMANENT DRAINAGE EASEMENT - TRACT II

BEGINNING at a point in the proposed southerly right-of-way line of the Historic Bethabara, said point being located 42.7 feet southward of and normal to Survey Station 23+27, Survey Line L of the Historic Bethabara Parkway; thence eastwardly along the said proposed southerly right-of-way line to a point located 43.3 feet southward of and normal to Survey Station 24+00, Survey Line L; thence southward along the easterly line of a proposed permanent drainage easement to a point located 130 feet southward of and normal to Survey Station 24+00, Survey Line L; thence westwardly Parcels 10 and 11 along the southern line of said easement to a point located 130 feet southward of and normal to Survey Station 23+48, Survey Line L; thence northward along the westwardly line of said easement to a point located 95 feet southward of and normal to Survey Station 23+48, Survey Line L; thence northwardly along the westerly line of said easement to the point and place of BEGINNING.

PERMANENT DRAINAGE EASEMENT - TRACT III

BEGINNING at a point in the proposed northerly right-of-way line of the Historic Bethabara Parkway, said point being located 41.7 feet northerly of and normal to Survey Station 23+02, Survey Line L of the Historic Bethabara Parkway; thence northerly along the westerly line of a proposed permanent drainage easement to a point located 125 feet northerly of and normal to Survey Station 23+02, Survey Line L; thence easterly along the northerly said easement line to a point located 125 feet northerly of and normal to Survey Station 23+52, Survey Line L; thence southerly along the easterly line of said easement to a point located in the said proposed northerly right-of-way line, said point being located 42.5 feet northerly of and normal to Survey Station 23+52, Survey Line L; thence westerly along the said right-of-way line to the point and place of BEGINNING.

PERMANENT DRAINAGE EASEMENT - TRACT IV

BEGINNING at a point in the existing southerly right-of-way line of Speas Road, said point being located 103 feet southward of and normal to Survey Station 29+25, Survey Line L of the Historic Bethabara Parkway; thence northeasterly along said existing right-of-way to a point located 83 feet southward of and normal to Survey Station 29+79, Survey Line L; thence southerly along the easterly line of a proposed permanent drainage easement to a point located 125 feet southward of and normal to Survey Station 29+79, Survey Line L; thence westerly along the southerly line of said easement to a point located 125 feet southward of and normal to Survey Station 29+25, Survey Line L; thence northward along the westerly line of said easement to the point and place of BEGINNING. The above-described permanent drainage easements being Tracts I, II, III and IV containing a total of 0.30 acres more or less, as shown on those right-of-way plans entitled "Historic Bethabara Parkway" showing the above-described parcel on file in the Engineering Division of the Public Works Department in City Hall, Winston-Salem, NC to which reference is hereby made.

TEMPORARY CONSTRUCTION EASEMENT - TRACT I

BEGINNING at the point of intersection of the westerly line of Lot 23U, Tax Block 3460 with the proposed southerly right-of-way line of the Historic Bethabara Parkway; thence easterly along said right-of-way line to a point located 40 feet southerly of and normal to Survey Station 20+73, Survey Line L of the Historic Bethabara Parkway; thence southerly along a temporary construction easement line to a point located 90 feet southerly of and normal to Survey Station 20+87, Survey Line L; thence easterly along said easement line to a point located 90 feet southerly of and normal to Survey Station 21+27, Survey Line L; thence southerly along said easement line to a point located 136 feet southerly of and normal to Survey Station 21+10, Survey Line L; thence westerly along said easement line to a point located 132 feet southerly of and normal to Survey Station 19+71, Survey Line L; thence northerly along said easement line to a point located 93 feet southerly of and normal to Survey Station 19+64, Survey Line L; thence westerly along said easement line to a point located 100 feet southerly of and normal to Survey Station 17+07, Survey Line L; thence westerly along said easement line to a point of intersection with the said westerly line of Lot 23U; thence northerly along said westerly line to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT II

BEGINNING at a point in the proposed southerly right-of-way line of the Historic Bethabara Parkway said point being located 40 feet southerly of and normal to Survey Station 21+27, Survey Line L of the Historic Bethabara Parkway; thence easterly along said proposed right-of-way line to a point located 40 feet southerly of and normal to Survey Station 22+00, Survey Line L; thence easterly along said proposed right-of-way line to a point located 42.7 feet southerly of and normal to Survey Station 23+27, Survey Line L; thence southerly along a proposed temporary construction easement line to a point located 95 feet southerly of and normal to Survey Station 23+48, Survey Line L; thence westerly along said easement line to a point located 96 feet southerly of and normal to Survey Station 22+50, Survey Line L; thence westerly along said easement line to a point located 90 feet southerly of and normal to Survey Station 21+27, Survey Line L; thence northerly along said easement line to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT III

BEGINNING at a point in the proposed southerly right-of-way line of the Historic Bethabara Parkway, said point being located 43.3 feet southerly of and normal to Survey Station 24+00, Survey Line L of the Historic Bethabara Parkway; thence easterly along said proposed right-of-way line to the point of intersection with the existing southerly right-of-way of Speas Road said point being located 45 feet southerly of and normal to Survey Station 24+37, Survey Line L; thence easterly along the said existing right-of-way line to a point located 64 feet southerly of and normal to Survey Station 26+03, Survey Line L; thence westerly along a proposed temporary easement line to a point located 66 feet southerly of and normal to Survey Station 24+50, Survey Line L; thence southwest-erly along said easement line to a point located 130 feet southerly of and normal to Survey Station 24+00, Survey Line L; thence northerly along said easement line to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT IV

BEGINNING at the point of intersection of the proposed northerly right-of-way line of the Historic Bethabara Parkway with the westerly line of Lot 23U, Tax Block 3460 said line also being the easterly line of Lot 8, Tax Block 3578; thence northerly along the said westerly line to the point of intersection with the proposed temporary construction easement line; thence easterly along said easement line to a point located 80 feet northerly of and normal to Survey Station 22+50 of the Historical Bethabara Parkway; thence easterly along the said easement line to a point located 85 feet northerly of and

normal to Survey Station 23+02, Survey Line L; thence southerly along said easement line to a point in the said proposed northerly right-of-way line, said point being located 41.7 feet northerly of and normal to Survey Station 23+02, Survey Line L; thence westerly along the said proposed northerly right-of-way line to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT V

BEGINNING at a point in the proposed northerly right-of-way line of the Historical Bethabara Parkway, said point being located 42.5 feet northerly of and normal to Survey Station 23+52, Survey Line L of the Historical Bethabara Parkway; thence northerly along a proposed temporary construction easement line to a point located 125 feet northerly of and normal to Survey Station 23+52, Survey Line L; thence easterly along the said easement line to a point located 125 feet northerly of and normal to Survey Station 24+20, Survey Line L; thence southerly along said easement line to a point located 81 feet northerly of and normal to Survey Station 24+20, Survey Line L; thence easterly along said easement line to a point of intersection with the existing westerly right-of-way line of Speas Road said point being located 77 feet northerly of and normal to Survey Station 29+78, Survey Line L; thence southerly along said existing westerly right-of-way line to a point located in the said proposed northerly right-of-way line, said point being located 45 feet northerly of and normal to Survey Station 29+80, Survey Line L; thence easterly along the said proposed northerly right-of-way line in a curve to the left, at all points being 45 feet northerly of and normal to Survey Line L to a point located 45 feet northerly of Survey Station PC 27+06.69, Survey Line L; thence westerly in a straight line along the said proposed northerly right-of-way line to a point located 45 feet northerly of and normal to Survey Station 25+00, survey Line L; thence westerly along said proposed northerly right-of-way line to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT VI

BEGINNING at the point of intersection of the proposed northerly right-of-way line of the Historic Bethabara Parkway with the existing easterly right-of-way line of Speas Road, said point being located 45 feet northerly of and normal to Survey Station 30+37, Survey Line L of the Historic Bethabara Parkway; thence northerly along the said existing Speas Road right-of-way line to a point intersection with the proposed Speas Road cul-de-sac right-of-way line, said point being located 102 feet northerly of and normal to Survey Station 30+34, Survey Line L; thence along said proposed cul-de-sac right-of-way line as it curves to the left along an arc having a radius of 50 feet to a point located 203 feet northerly of and normal to Survey Station 30+14, Survey Line L; thence northerly along said existing right-of-way line of Speas Road to a point of intersection with a proposed temporary construction easement line said point being located 217 feet northerly of and normal to Survey Station 30+11, Survey Line L; thence eastwardly along the said easement line to a point located 228 feet northerly of and normal to Survey Station 30+60, Survey Line L; thence southeasterly along said easement line to a point located 183 feet northerly of and normal to Survey Station 31+00, Survey Line L; thence southward along said easement line to a point located 85 feet northerly of and normal to Survey Station 31+00, Survey Line L; thence eastwardly along said easement line to a point located 78 feet northerly of and normal to Survey Station 34+50, Survey Line L; thence eastwardly along said easement line to a point of intersection with the easterly line of Lot 23T, Tax Block 3460, said point being located 89 feet northerly of and normal to Survey Station 35+68 Survey Line L; thence southward along said easterly line to the point of intersection with the proposed northerly right-of-way line of the Historical Bethabara Parkway; thence westerly along said proposed northerly right-of-way line in a curve to the left, at all points being 45 feet northerly of and normal to Survey Line L to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT VII

BEGINNING at a point of intersection of the existing easterly right-of-way line of Speas Road with the proposed southerly right-of-way line of the Historic Bethabara Parkway said point being located 45 feet southward of and normal to Survey Station 30+12,

Survey Line L of the Historic Bethabara Parkway; thence easterly along said proposed southerly right-of-way line in a curve to the right at all points being 45 feet northerly of and normal to Survey Line L to a point of intersection with the easterly line of Lot 23T, Tax Block 3460; thence southerly along said easterly line to a point of intersection with the proposed temporary construction easement line, said point being located 64 feet southerly of and normal to Survey Station 35+75, Survey Line L; thence westerly along said easement line to a point located 61 feet southerly of and normal to Survey Station 34+50, Survey Line L; thence westerly along said easement line to a point located 70 feet southerly of and normal to Survey Station 30+00, Survey Line L; thence southerly along said easement line to a point located 125 feet southerly of and normal to Survey Station 30+00, Survey Line L; thence westerly along said easement line to a point located 125 feet southerly of and normal to Survey Station 29+79, Survey Line L; thence northerly along said easement line to a point of intersection with the existing southeasterly right-of-way line of Speas Road, said point being located 83 feet southerly of and normal to Survey Station 29+79, Survey Line L; thence northerly along said existing Speas Road right-of-way in a curve to the left to the point and place of BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT - TRACT VIII

BEGINNING at a point in the common line being the southerly line of Lot 28B, Tax Block 3460 and a northerly line of Lot 23T, Tax Block 3460, said point being located 122 feet southerly of and normal to Survey Station 38+23, Survey Line L of the Historic Bethabara Parkway; thence easterly along said common line to the southeastern corner of said Lot 28B; thence southerly along the common line of Lot 18, Tax Block 3460B and an easterly line of said Lot 23T to the most southerly corner of said Lot 18, also being the most westerly corner of Lot 19, Tax Block 3460B; thence westerly along a proposed temporary construction to a point located 170 feet southerly of and normal to Survey Station 38+27, Survey Line L; thence northerly along the said temporary construction easement line to the point and place of BEGINNING.

The above-described temporary easements being Tracts I, II, III IV, v, VI, VII AND VIII containing 2.66 acres more or less, as shown on those right-of-way plans entitled "Historic Bethabara Parkway" showing the above-described parcel on file in the Engineering Division of the Public Works Department in City Hall, Winston-Salem, NC to which reference is hereby made.