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FORSYTH CO, NC FEE \$26.00

PRESENTED & RECORDED:

06-28-2019 10:50:00 AM

LYNNE JOHNSON

REGISTER OF DEEDS

BY: EVELYN R. DIXON

DPT

BK: RE 3468

PG: 2340-2344

Prepared by and return to: John R. Lawson, Assistant City Attorney, Box 5

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FORSYTH COUNTY

19 CVS 3948

CITY OF WINSTON-SALEM,

Plaintiff,

v.

VOYCE MONROE CHEATWOOD, JR.;
DONNA MAY CHEATWOOD; and FIRST-
CITIZENS BANK & TRUST COMPANY,

Defendants.

MEMORANDUM OF ACTION

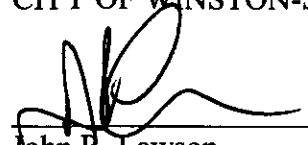
TAKE NOTICE:

1. That on the 28th day of June, 2019, the City of Winston-Salem, 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 Plaintiff is informed and believes that the above-named Defendants are the only persons who may have or claim to have an interest in the property.
3. That the following matters are set forth in Exhibit A, attached hereto and made a part hereof: a description of the entire tract or tracts of land affected by the taking; a statement of the interest or estate taken for public use; and a description of the area taken.

This Memorandum of Action is filed pursuant to the provisions of N.C.G.S. § 136-104.

This the 28th day of June, 2019.

CITY OF WINSTON-SALEM

A handwritten signature in black ink, appearing to read "John R. Lawson", is written over a horizontal line.

John R. Lawson
Assistant City Attorney
N.C. Bar No.: 38687

City Attorney's Office
P.O. Box 2511
Winston-Salem, NC 27102
336-747-7406

EXHIBIT A

DESCRIPTION OF PROPERTY AFFECTED

Parcel #1

Being known and designated as Lot 50 of Block 4638 as conveyed by that General Warranty Deed from Aline M. Cheatwood to Voyce M. Cheatwood, Jr. and wife Donna M. Cheatwood, dated January 7, 1994, and recorded on January 13, 1994, in Book 1181 at Page 3406 of the Forsyth County Registry, reference to which is hereby made for a more complete description.

Forsyth County Tax Parcel Identification No. 5896-65-8051.00

Also known as 1191 Meadowlark Drive, Winston-Salem, NC 27106

Parcel #2

Being known and designated as Lot 12 of Block 4638 as conveyed by that Deed from Voyce M. Cheatwood, Sr. and wife Aline M. Cheatwood to Voyce M. Cheatwood, Jr. and wife Donna M. Cheatwood, dated November 16, 1983, and recorded on November 18, 1983, in Book 1419 at Page 1199 of the Forsyth County Registry, reference to which is hereby made for a more complete description.

Forsyth County Tax Parcel Identification No. 5896-65-8039.00

Also known as 5130 Robinhood Road, Winston-Salem, NC 27106

INTEREST OR ESTATE TAKEN

The City of Winston-Salem will acquire for the Meadowlark Drive Road Improvements – Project No. 201508 the interest(s) as more specifically described below in the Area Taken.

AREA TAKEN

A portion of Forsyth County Tax Parcel Identification Nos. 5896-65-8039.00 and 5896-65-8051.00, more particularly described as follows:

FEE SIMPLE ACQUISITION

BEGINNING at the unmarked point on the eastern right-of-way line of Meadowlark Drive, said point being the southwestern corner of the Cheatwood property, thence following eastern right-of-way of Meadowlark Drive North 44° 05' 45" West, 140 feet to an unmarked point, said point being the northwest corner of the grantor; thence along the northwestern property line of the grantor North 50° 16' 56" East, 5.60 feet to a new 5/8" rebar iron set on the northwest property line of the

grantor; thence leaving the northwestern property line along a new line along a curve to the right with a radius of 1345 feet and a chord bearing and distance of South 48° 25' 42" East, 139.27 feet to a new 5/8" rebar iron set on the southeast property line of the grantor; thence along the southeastern property line South 43° 25' 50" West, 19.13 feet to the point and place of BEGINNING.

Containing 1,680 square feet (0.04 acres) more or less.

IN ADDITION, and for the aforesated consideration, the property owners further hereby convey to the City of Winston-Salem, its successors and assigns the following described areas and interests:

TEMPORARY CONSTRUCTION EASEMENT

BEGINNING at a new 5/8" rebar iron set on the southeastern property line of the Cheatwood property, said point being the southeastern corner of the above-described fee simple acquisition; thence following the southeastern property line North 43° 25' 50" East, 40.29 feet to an unmarked point; thence leaving the southeastern property line along a new line with the following three (3) calls:

- 1) North 45° 54' 40" West, 36.65 feet to an unmarked point; thence
- 2) North 53° 29' 51" West, 53.20 feet to an unmarked point; thence
- 3) North 53° 31' 20" West, 46.09 feet to an unmarked point on the northeastern property line of the grantor;

thence with the northeastern property line of the grantor South 50° 16' 56" West, 33.47 feet to a new 5/8" rebar iron on the northeastern property line of the grantor; thence leaving the northeastern property line along a new curve to the left with a radius of 1345 feet and a chord bearing and distance of South 48° 25' 42" East, 139.27 feet to the point and place of BEGINNING.

Containing 5,101 square feet (0.12 acres) more or less.

IT IS UNDERSTOOD AND AGREED that the City of Winston-Salem shall have the right to construct and maintain the cut and/or fill slopes in the above described easement area(s) until such time that the property owner(s) alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not impair the lateral support of the roadway.

SPECIAL PROVISIONS

The property owners further request that the City of Winston-Salem enter upon their lands outside of the right-of-way described herein to the extent as is necessary to reconnect their driveway, and said property owners will have no claim as a result of the reconstruction of said driveway.

The above described is shown on Map P-814 (Sheet 8 of 9), dated 12/14/18 or as may have been subsequently revised, and plans for Project 201508, Meadowlark Drive Road Improvements, both on file in the Office of the Department of Public Works, Winston-Salem, North Carolina, reference to which plans are hereby made for purposes of further description and for greater certainty.