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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

DPTY

BK: RE 3468

PG: 2354-2357

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 3943

CITY OF WINSTON-SALEM,

Plaintiff,

v.

**MEMORANDUM OF ACTION**

ROY C. SELLERS; DEANNA SELLERS; and  
BANK OF AMERICA, NA,

Defendants.

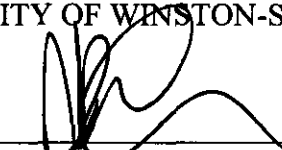
TAKE NOTICE:

1. That on the 28<sup>th</sup> 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 28<sup>th</sup> day of June, 2019.

CITY OF WINSTON-SALEM



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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**

Being known and designated as Lot 73 of Block 4638 as conveyed by that General Warranty Deed from Robert A. Wells and wife Karen H. Wells to Roy Sellers and wife Deanna Sellers, dated July 12, 2016, and recorded on July 13, 2016, in Book 3296 at Page 3048 of the Forsyth County Registry, reference to which is hereby made for a more complete description.

Forsyth County Tax Parcel Identification No. 5896-74-4256.00

Also known as 1083 Meadowlark Drive, 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 No. 5896-74-4256.00, more particularly described as follows:

**FEE SIMPLE ACQUISITION**

BEGINNING at the southwestern property iron of the Sellers property, said point being marked by a 5/8" rebar iron in the eastern right-of-way of Meadowlark Drive; thence following the eastern right-of-way line of Meadowlark Drive the following two (2) calls:

- 1) North 00° 57' 14" West, 70.00 feet to an unmarked point;
- 2) along a curve to the left with a radius of 795.31 feet and a chord bearing and distance of North 03° 29' 47" West, 70.63 feet to an axle, said point being the northwestern corner of the grantor's property;

thence following the northern property line of the grantor North 83° 46' 16" East, 18.95 feet to a new 5/8" rebar iron set on the northern property line of the grantor; thence leaving the northern property line along a new line along a curve to the right with a radius of 1110.00 feet and a chord bearing and distance of South 05° 45' 20" East, 143.63 feet to a new 5/8" rebar iron set on the southern property line of the grantor; thence with the southern property line of the grantor North 89° 15' 29" West, 27.78 feet to the point and place of BEGINNING.

Containing 3,387 square feet (0.08 acres) more or less.

IN ADDITION, and for the aforesaid 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 southern property line of the Sellers property, said point being the southeastern corner of the above-described fee simple acquisition; thence from said point with the southern property line of the grantor South 89° 15' 29" East, 24.49 feet to an unmarked point; thence leaving the southern property line along a new line the following four (4) calls:

- 1) North 05° 45' 47" West, 16.13 feet to an unmarked point; thence
- 2) North 08° 12' 29" West, 94.05 feet to an unmarked point; thence
- 3) North 03° 20' 37" West, 12.69 feet to an unmarked point; thence
- 4) North 15° 16' 52" West, 24.10 feet to an unmarked point on the northern property line of the grantor;

thence with the northern property line of the grantor South 83° 46' 16" West, 16.86 feet to a new 5/8" rebar iron set on the northern property line of the grantor; thence leaving the northern property line along a new curve to the right with a radius of 1110 feet and a chord bearing and distance of South 05° 45' 20" East, 143.63 feet to the point and place of BEGINNING.

Containing 2,941 square feet (0.07 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 (Sheets 7 and 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.