



City of CHARLOTTE

MEMORANDUM

TO: Mayor Lewis and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Release of Interest in Pedestrian Right-of-Way

DATE: December 22, 2016

Enclosed in your agenda packet is a resolution and quit claim deed related to the release of the City's interests in the pedestrian right-of-way that runs along the south side of the Gavel Restaurant.

The property on which this right-of-way is located is owned by Thomas and Sheryl Hewitt. There is no easement or other legal document through which this right-of-way was established. Rather, this exists as a prescriptive easement; that is, the right of the public to use the property as a pedestrian walkway was established through regular and uninterrupted use by the public over many years.

In 1995, the City released a portion of the right-of-way in order to permit the Hewitts to add the entryway on the south end of the building. They are now asking the City to release the remainder of the right-of-way in order to provide for future business expansion and to address other issues, as outlined in Mr. Hewitt's letter found elsewhere in the agenda packet.

In considering this matter, you should anticipate that some business owners in the vicinity might object as the closure of the walkway would eliminate a convenient access to the public parking lot in that block.

A quit claim deed has been prepared for your consideration. You will recall that action on matters involving the City's interests in real estate requires two readings of the resolution separated by at least 25 days.