

Submitted electronically by The City of Raleigh in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

Instrument Prepared By: Raleigh City Attorney's Office
Brief Description for Index: Big Branch Creek Scenic Greenway Easement
Parcel Identifier: 1705946355; 1705946466; 1705947505; 1705947626;
1705947757; 1705947876; 1705948915; 1705958008;
and 1705959107
Mail After Recording To: Raleigh City Attorney's Office (BAW)
Post Office Box 590
Raleigh, North Carolina 27602

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**NOTICE OF CONTINUED
EFFECTIVENESS OF CITY OF RALEIGH
SCENIC GREENWAY EASEMENT OVER LOTS 1-9
ANDERSON FOREST SUBDIVISION**

THIS NOTICE OF CONTINUED EFFECTIVENESS OF CITY OF RALEIGH SCENIC GREENWAY EASEMENT OVER LOTS 1-9, ANDERSON FOREST SUBDIVISION (the "Notice") is hereby made and executed this 20th day of May, 2025, by the CITY OF RALEIGH, a North Carolina municipal corporation, with a mailing address of P. O. Box 590, Raleigh, NC 27602, hereinafter referred to as the "City".

WHEREAS, by Deed of Dedication for Scenic Greenway Easement Purposes, dated December 29, 1986, recorded in Book 3907, Page 648, Wake County Registry (the "Deed of Easement"), Beaver Creek Associates ("Beaver Creek"), the developer and then-owner of all of the lots of the Anderson Forest Subdivision (the "Subdivision") as depicted on that subdivision plat for Anderson Forest recorded in Book of Maps 1987, Page 150 (the "Plat"), irrevocably dedicated to the City a "50' City of Raleigh Scenic Greenway Easement" for conservation and natural preservation purposes only over those portions of Lots 1-9 of the Subdivision (the "Scenic Greenway Easement") as is more particularly shown on the Plat; and

WHEREAS, the City has used the Scenic Greenway Easement for its intended purposes of conservation and natural preservation since the easement was dedicated to the City in December 1986; and

WHEREAS, the current owners of Lots 1-9 in the Subdivision (collectively, the "Owners") recorded on June 20, 2024 a purported "Withdrawal of Dedication of Easement Pursuant to NCGS § 136-96" in Book 19640, Page 1389, Wake County Registry, as amended by that purported "Amended Withdrawal

of Dedication of Easement Pursuant to NCGS § 136-96,” recorded on June 25, 2024 in Book 19645, Page 289, Wake County Registry (as amended the “Declaration of Withdrawal”); and

WHEREAS, relying on NCGS § 136-96(a), the Owners of Lots 1-9 of the Subdivision have purportedly withdrawn the Scenic Greenway Easement from public or private use based on the Scenic Greenway Easement allegedly not having been open and used by the public within fifteen years after its dedication; and

WHEREAS, the Owners of Lots 1-9 have made factual errors in their Declaration of Withdrawal wherein they assert, among other things, that there is no recorded deed of easement between Beaver Creek and the City relative to the Scenic Greenway Easement and that the City has not used the Scenic Greenway Easement for the purposes for which it had been dedicated over thirty-seven (37) years ago; and

WHEREAS, by the very terms of NCGS § 136-96(a), the Owners cannot use this statute to withdraw the dedication to the City of the Scenic Greenway Easement as the City has utilized this easement for the purposes for which it had been dedicated, conservation and natural preservation, from the very day that the Deed of Easement had been recorded in December 1986; and

WHEREAS, the Owners’ reliance on NCGS § 136-96(a) to purportedly withdraw the dedication to the City of the Scenic Greenway Easement is in error for the reasons described in these recital paragraphs and the Declaration of Withdrawal is ineffective for purposes of withdrawing the dedication to the City of the Scenic Greenway Easement; and

WHEREAS, the City’s Scenic Greenway Easement for conservation and natural preservation purposes only remains in full force and effect notwithstanding the recorded Declaration of Withdrawal and the City records this Notice for the purpose of cleaning up the land records of Wake County, North Carolina to evidence that the Scenic Greenway Easement remains in full force and effect.

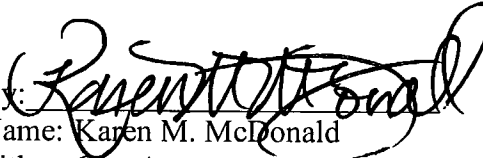
NOW, THEREFORE, the City hereby provides record notice of the follow:

1) Recitals. The foregoing recitals shall constitute an integral part of this Notice and are therefore incorporated herein and made a part hereof.

2) For the reasons provided in this Notice, the Declaration of Withdrawal is ineffective for purposes of withdrawing the dedication of the Scenic Greenway Easement to the City and, as a result, the Scenic Greenway Easement remains in full force and effect for the benefit of the City, which Scenic Greenway Easement for conservation and natural preservation purposes only shall continue to run with the title to Lots 1-9 of Anderson Forest Subdivision, in perpetuity.

CITY:

CITY OF RALEIGH, NORTH CAROLINA

By: 
Name: Karen M. McDonald
Title: City Attorney

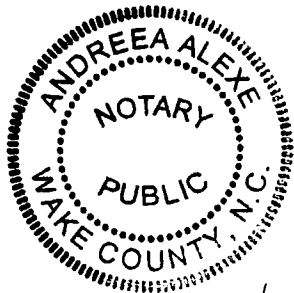
NORTH CAROLINA

COUNTY OF WAKE

I certify that the following person personally appeared before me this day, acknowledging to me that she signed the foregoing document for the purpose stated therein and in the capacity indicated: Karen M. McDonald, City Attorney.

Witness my hand and official seal, this 20th day of May, 2025.

(SEAL)



Notary Public

Andreea Alexe
Notary's printed or typed name

My Commission Expires: 1/15/2030