

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

AT THE CROSS FELLOWSHIP BAPTIST CHURCH INC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. Action No. 3:18-cv-00290-RJC
	)	
CITY OF MONROE, NORTH CAROLINA,	)	
	)	
Defendant.	)	

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**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL**

COMES NOW the Plaintiff, AT THE CROSS FELLOWSHIP BAPTIST CHURCH INC (hereinafter “Plaintiff”), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), by and through undersigned counsel, and hereby voluntarily dismisses its causes of action against the Defendant, CITY OF MONROE, NORTH CAROLINA (hereinafter “Defendant”). In support of this Notice, Plaintiff shows unto the Court the following:

1. On June 4, 2018, Plaintiff filed and served on Defendant the Complaint in this action and a Motion for Preliminary Injunction based on Defendant’s enactment of the Concord Avenue Overlay District wherein churches, including Plaintiff, were not permitted to locate and operate in three of the four sub-districts within the overlay district.
2. The parties to this action engaged in settlement negotiations that involved a proposed amendment, by Defendant, through the City Council, of the Concord Avenue Overlay District wherein churches would be permitted to locate and operate in all four of the sub-districts.

3. On June 28, 2018, Defendant moved this Court for an extension of time to answer the Complaint and to respond to Plaintiff's Motion for Preliminary Injunction through August 31, 2018. Thus, Defendant has not served an answer or a motion for summary judgment.

4. On August 21, 2018, Defendant, by and through the City Council, approved the amendment to the Concord Avenue Overlay District thereby permitting churches to locate and operate in all four of the sub-districts within the Concord Avenue Overlay District.. *See* Ordinance O-2018-26 attached as Exhibit 1.

WHEREFORE, Plaintiff voluntarily dismisses its causes of action against Defendant this 23rd day of August, 2018.

Respectfully submitted,

*s/Raymond W. Kaselonis, Jr.*

Raymond W. Kaselonis, Jr.

AZ Bar # 034376

ALLIANCE DEFENDING FREEDOM

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Scottsdale, AZ 85260

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Fax: (480) 444-0028

Email: rkaselonis@ADFlegal.org

## CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2018, I electronically filed the foregoing Plaintiff's Notice of Voluntary Dismissal with the Clerk of the Court using the CM/ECF, which will send notice to all counsel of record.

Dated this 23rd Day of August, 2018.

*s/Raymond W. Kaselonis, Jr.*

Raymond W. Kaselonis, Jr.

# Exhibit 1

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES  
TITLE XV: LAND USES  
CHAPTER 156: ZONING CODE  
O-2018-26**

**Preamble**

Pursuant to authority conferred by Chapter 160A-381 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV: LAND USES, CHAPTER 156: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:**

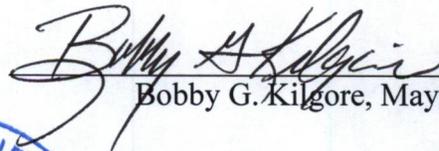
**Section 1.** Amend §156.124 OVERLAY DISTRICTS as follows:

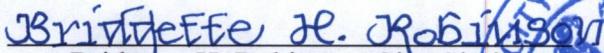
TABLE §156.124.M: ALLOWABLE USES IN THE CA-O DISTRICT				
Z = permitted; Blank cell (-) = prohibited				
Use Type	Sub-district A	Sub-district B	Sub-district C	Sub-district D
<b>PRINCIPAL USES</b>				
<b>Institutional</b>				
Churches and other religious institutions	Z	Z	Z	Z

**Section 2.** This Ordinance shall be effective upon adoption.

Adopted this 21<sup>st</sup> day of August, 2018.

Attest:

  
Bobby G. Kilgore, Mayor

  
Bridgette H. Robinson, City Clerk

