

**RESOLUTION DIRECTING CONSTRUCTION OF
AREA 28 OF THE PHASE 5 ANNEXATION
UTILITY IMPROVEMENT PROJECT BE UNDERTAKEN**

WHEREAS, on May 8, 2023, the City Council of the City of Fayetteville approved the Resolution and Order to File and Publish a Preliminary Assessment Resolution for the Extension of the Sanitary Sewer Collection System in all or a Portion of the Streets within Area 28 of the Phase 5 Annexation Listed on Exhibit “A”; and

WHEREAS, the required public hearing has been held after due notice to the public and to the owners of the affected real property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville that after careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina finds as fact that:

1. The public interest, safety, convenience, and general welfare requires the extension of the sanitary sewer collection system into all or a portion of the streets as described on Exhibit “A”;
2. The resolution and order adopted at its meeting on the May 8, 2023 by the City Council of the City of Fayetteville having been duly published on September 26, 2023 in the Fayetteville Observer, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held in Council Chambers of City Hall at 7 p.m., on the October 9, 2023 when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by attorney, filed with the Clerk of the City of Fayetteville at or before said time, and that any objections not so made would be waived and objections to the legality as well as to the policy or expediency of the making of said improvements have not been filed or made (or having been filed or made which objections were duly considered by said City Council and none of said objections were sustained); and
3. The property abutting said streets will be benefitted by the extension of such sanitary sewer collection system to the extent of the part of the cost thereof to be assessed as stated below against such abutting property.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that the sanitary sewer collection system shall be installed in all of the street portions to be specifically assessed upon the property receiving benefit of the sanitary sewer extension in the amount of \$5,000 for what is described as single family residential parcels requiring one sewer service lateral with remaining property being assessed at an equal rate of \$55.56 per foot of road frontage but not less than ninety (90) feet plus the average cost for service laterals as may

be installed for the benefit of the non-single family residential parcels. Said assessments to be paid after completion of such work and within thirty (30) days after notice of the assessments in cash with no interest or in equal annual installments over a term of ten (10) years bearing annual interest at a rate not to exceed eight percent (8%) payable annually.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA on this, the ____ day of _____, 2023; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

Mitch Colvin, Mayor

Pamela J. Megill, City Clerk

EXHIBIT "A"
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Construction Area 28

| Street Names | From Intersection | To Intersection |
|---------------------|---|------------------------|
| Beaverstone Road | Westerly from Brookshire Street | Timbercroft Lane |
| Mangrove Drive | Westerly from Brookshire Street | Timbercroft Lane |
| Wickersham Road | West Southwesterly from Brookshire Street | Buttermere Road |
| Weeping Water Run | Westerly from Brookshire Street | Mangrove Drive |
| Big Wood Road | Westerly from Brookshire Street | Timbercroft Lane |
| Bluffview Road | West Northwesterly from Brookshire Street | Timbercroft Lane |
| Brookshire Street | Southwardly from Pin Oak Lane | Beaverstone Road |
| Timbercroft Lane | Southwesterly from Brookshire Street | Mossyvale Way |
| Brockwood Street | Southwardly from Beaverstone Road | Hurstbourne Lane |
| Skyhawk Drive | Southwardly from Beaverstone Road | Hurstbourne Lane |