

Resolution No. R2024-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION OF PERMANENT AND TEMPORARY EASEMENTS ON REMAINING PARCEL LOCATED AT 9535 CLIFFDALE ROAD FOR THE CLIFFDALE ROAD PHASE I SIDEWALK PROJECT

WHEREAS, the City of Fayetteville, NC, is a municipal corporation existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina; and

WHEREAS, the governing body of the City of Fayetteville hereby determines that it is necessary and in the public interest to acquire easements on certain property for the following public purpose:

Permanent and Temporary Easement Interest for the Cliffdale Road Phase I Sidewalk Project

WHEREAS, North Carolina General Statute §160A-240.1 authorizes the City to acquire property by condemnation procedures; and

WHEREAS, the acquisition of easements in said parcel is consistent with strategic planning goal of a Diverse and Viable Economy and Desirable Place to Live, Work and Recreate; and

WHEREAS, the acquisition of the easements in said property is consistent with the City's commitments; and

WHEREAS, the City of Fayetteville shall acquire by condemnation, for the purpose stated above, the property and easement interests as listed below:

**Permanent Easement One:** Beginning at an ERB (Existing Rebar) in the eastern right-of-way of Cliffdale Road, an 80' public right-of-way, said ERB having NAD 83 Grid Coordinates N = 465,615.43 E = 1,981,406.97; thence continuing on right-of-way N 12°31'40" E a distance of 9.14'to a point; thence leaving said right-of-way S 77°28'20" E a distance of 9.27'to a point; thence S 13°43'20" W a distance of 9.76'to a point; thence N 73°34'14" W a distance of 9.09'to the point of beginning, being a permanent easement having an area of 86.11 square feet. Reference: Suso 4 Roxborough LP, deed book 11024 page 91.

**Permanent Easement Two:** Beginning at a point in the eastern right-of-way of Cliffdale Road, an 80' public right-of-way, said point being N 12°31'40" E a distance of 49.56' from an ERB (Existing Rebar) in

said right-of-way having NAD 83 Grid Coordinates N = 465,615.43 E = 1,981,406.97; thence continuing along right-of-way N 12°31'40" E a distance of 198.40'to a point; thence leaving right-of-way S 77°28'20" E a distance of 7.45'to a point; thence S 12°37'00" W a distance of 198.41'to a point; thence N 77°23'00" W a distance of 7.14'to the point of beginning, being a permanent easement having an area of 1447.58 square feet. Reference: Suso 4 Roxborough LP, deed book 11024 page 91.

**Temporary Easement One:** Beginning at a point in the eastern right-of-way of Cliffdale Road, an 80' public right-of-way, said point being N 12°31'40" E a distance of 9.14'from an ERB (Existing Rebar) in the eastern right-of-way, said ERB having NAD 83 Grid Coordinates N = 465,615.43 E = 1,981,406.97; thence continuing along right-of-way N 12°31'40" E a distance of 1.50'to a point; thence leaving said right-of-way S 77°28'20" E a distance of 10.80'to a point; thence S 13°43'20" W a distance of 11.36'to a point; thence N 73°34'14" W a distance of 1.50'; thence N 13°43'20" E a distance of 9.76'to a point; thence N 77°28'20" W a distance of 9.27'to the point of beginning, being a temporary easement having an area of 30.89 square feet. Reference: Suso 4 Roxborough LP, deed book 11024 page 91.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council directs the City Attorney to institute the necessary proceeding under Article 1 of Chapter 40A of the North Carolina General Statutes.

IN WITNESS WHEREOF, the City of Fayetteville has caused this instrument to be signed in its name by its Mayor, attested by its City Clerk, and its corporate seal hereto affixed, all by order of its City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 12th day of August 2024; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

(SEAL)

By: \_\_\_\_\_  
MITCH COLVIN, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA MEGILL, City Clerk