

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,  
NORTH CAROLINA AUTHORIZING THE CONDEMNATION OF PERMANENT AND  
TEMPORARY EASEMENTS ON PROPERTIES NEEDED FOR THE TRYON DRIVE DRAINAGE  
IMPROVEMENT 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 Interests for the Tryon Drive  
Drainage Improvement 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 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:

**Easement One:** Temporary Construction Easement located at 1806 Swann Street/Parcel ID 0418-98-6383:

The following described temporary construction easement being variable in width, containing 253 square feet more or less and being more particularly described as follows:

Commencing at an existing 1" pinched iron pipe on the southeastern right-of-way margin of Swann Street, said iron pipe also being the northern corner of the Michael G. Luck parcel as recorded in Deed Book 5178, Page 458 of the Cumberland County Registry; thence with the southeastern right-of-way margin of Swann Street North 61 degrees 24 minutes 00 seconds East 39.44 feet to the POINT OF BEGINNING; thence continuing with said right-of-way margin North 61 degrees 24 minutes 00 seconds East 30.92 feet to a point; thence leaving said right-of-way margin and running with a new easement line South 17 degrees 19 minutes 48 seconds West 23.57 feet to a point on an existing 60 foot easement as recorded in Plat Book 41, Page 45 of the Cumberland County Registry; thence with said existing easement line North 69 degrees 05 minutes 00 seconds West 21.55 feet to the POINT OF BEGINNING.

**Easement Two:** Temporary Construction Easement located at 1716 Tryon Drive/Parcel ID 0418-98-5225

The following described temporary construction easement being variable in width, containing 431 square feet more or less and being more particularly described as follows:

Commencing at an existing 1” pinched iron pipe on the southeastern right-of-way margin of Swann Street, said iron pipe also being the western corner of the Michael C. Boose parcel as recorded in Deed Book 4261, Page 560 of the Cumberland County Registry; thence with said right-of-way margin South 61 degrees 24 minutes 00 seconds West 39.44 feet to a set 1/2” rebar, the POINT OF BEGINNING; thence leaving said right-of-way margin and running with a new easement line South 72 degrees 35 minutes 03 seconds East 83.48 feet to a point on the western line of the Uniqua Chartale Bostick parcel as recorded in Deed Book 11318, Page 764 of the Cumberland County Registry; thence with said line South 32 degrees 03 minutes 00 seconds West 5.18 feet to a point; thence leaving said line and running with a new easement line North 72 degrees 38 minutes 29 seconds West 87.09 feet to a set nail on the southeastern right-of-way margin of Swann Street; thence with said right-of-way margin North 61 degrees 24 minutes 00 seconds East 7.09 feet to the POINT OF BEGINNING.

**Easement Three:** Permanent Drainage Easement located at 1716 Tryon Drive/Parcel ID 0418-98-5225

The following described permanent drainage easement being variable in width, containing 2,111 square feet more or less and being more particularly described as follows:

Commencing at an existing 1” pinched iron pipe on the southeastern right-of-way margin of Swann Street, said iron pipe also being the western corner of the Michael C. Boose parcel as recorded in Deed Book 4261, Page 560 of the Cumberland County Registry; thence with the southern line of said Michael C. Boose parcel South 69 degrees 05 minutes 00 seconds East 61.05 feet to a point, said point being the northern corner of Uniqua Chartale Bostick parcel as recorded in Deed Book 11318, Page 764 of the Cumberland County Registry, thence with the western line of said Bostick parcel South 32 degrees 03 minutes 00 seconds West 27.81 feet to a point; thence leaving said line and running with a new easement line North 72 degrees 35 minutes 03 seconds West 83.48 feet to a set 1/2” rebar on the southeastern right-of-way margin of Swann Street; thence running with said right-of-way margin North 61 degrees 24 minutes 00 seconds East 39.44 feet to the POINT OF BEGINNING.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council directs the City Attorney to institute the necessary proceedings 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 24th day of February 2025; 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:

\_\_\_\_\_  
JENNIFER AYRE, City Clerk