

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 5030 YADKIN ROAD FOR THE YADKIN ROAD PHASE III 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 Yadkin Road Phase III 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:** Beginning at a point; beginning point being on the northern right-of-way of Yadkin Road, a variable width right-of-way, and said beginning point being S 88°53'00" W a distance of 333.45' and N 88°54'57" W a distance of 1.40' from a (RWD) Right-of-Way Disk, said Right-of-Way disk having NAD 83 Grid Coordinates N = 485,288.03 E = 2,009,831.53 and thence leaving the beginning point along the northern right-of-way of Yadkin Road N 85°53'48" W a distance of 10.60' to a point; thence leaving the right-of-way of Yadkin Road N 04°06'12" E a distance of 3.02' to a point; thence S 87°45'57" E a distance of 10.61' to a point; thence S 04°07'26" W a distance of 3.36' to a point; which is the point of beginning, being a permanent easement having an area of 33.81 square feet. Reference: Wilcohess LLC, deed book 5498 page 212.

**Temporary Easement:** Beginning at a point; beginning point being on the northern right-of-way of Yadkin Road, a variable width right-of-way, and said beginning point being S 88°53'00" W a distance of 333.45', N 88°54'57" W a distance of 1.40' and N 85°53'48" W a distance of 10.60' from a (RWD) Right-of-Way Disk, said Right-of-Way disk having NAD 83 Grid Coordinates N = 485,288.03 E = 2,009,831.53 and thence leaving the beginning point along the northern right-of-way of Yadkin Road N 85°53'48" W a distance of 1.50' to a point; thence leaving the right-of-way of Yadkin Road N 04°06'12" E a distance of 4.47' to a point; thence S 87°45'57" E a distance of 12.11' to a point; thence S 04°07'26" W a distance of 1.50' to a point; thence N 87°45'57" W a distance of 10.61' to a point; thence S 04°06'12" W a distance of 3.02' to point which is the point of beginning, being a temporary easement having an area of 22.65 square feet. Reference: Wilcohess LLC, deed book 5498 page 212.

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 22nd day of January 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