

RESOLUTION TERMINATING UTILITY EASEMENT

WHEREAS, Barbara M. Johnson conveyed to the City of Fayetteville for the benefit of Fayetteville Public Works Commission a 20 foot wide utility easement described in the Utility Easement recorded in Deed Book 10121, Page 537, Cumberland County Registry for a planned sanitary sewer line; and

WHEREAS, for engineering reasons, the Fayetteville Public Works Commission routed its sewer line on a path that does not require use of said utility easement due to a change in the future development plans for the Rockfish Road property encumbered by said easement, and the utility easement will therefore not be used for the purpose for which it was conveyed, and the utility easement has no value to any person other than Ms. Johnson as the fee owner of the servient estate; and

WHEREAS, the City Council and the Fayetteville Public Works Commission both agree that the previously conveyed utility easement will not serve any present or future public purpose and having been apprised of the pertinent facts regarding said utility easement, and after considering all the facts, have determined that the termination and abandonment of said utility easement is not contrary to the public interest nor to the individual interest of any abutting property owner(s) and that no one will thereby be deprived of any beneficial rights that they might have possessed in said utility easement;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fayetteville that the utility easement described in the Utility Easement recorded in Deed Book 10121, Page 537, Cumberland County Registry, is of no further value or benefit to the City of Fayetteville or the Fayetteville Public Works Commission and that said utility easement is hereby terminated and abandoned and a "Termination of Utility Easement" shall be executed by the City and recorded in the Cumberland County Registry.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this the ____ day of May, 2018; 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

ATTEST:

Pamela J. Megill, City Clerk