

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION OF PERMANENT EASEMENTS ON REMAINING PARCEL FOR THE MORGANTON ROAD 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 Easement Interest for the Morganton Road 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:

0417-19-0895 Permanent Sidewalk Easements:

Tract One: Permanent Easement

Beginning at an existing (ERB) existing rebar on the southern right-of-way of Morganton Road, a variable width right-of-way, said (ERB) existing rebar having NAD 83 Grid Coordinates N = 480,518.69 E = 2,010,741.84 and thence leaving the beginning point along the right-of-way of Morganton Road S 67°21'49" E a distance of 134.09'to a point; thence leaving point and the right-of-way of Morganton Road along a curve counterclockwise having a radius of 42.71', an arc length of 41.73', a bearing of S 83°43'31" W a chord length of 40.09'to a point; thence N 68°02'15" W a distance of 63.72'to a point; thence along a curve counterclockwise having a radius of 44.39', an arc length of 42.19', a bearing of N 37°39'08" W a chord length of 40.62'to a point on the southern right-of-way of Morganton Road; which is the point of beginning, being permanent easement (P1) having an area of 1684.10 square feet; Reference: ARC CPFAYNC001 LLC, deed book 9620 page 70, containing 2293.85 square feet more or less.

Tract Two: Permanent Easement

Beginning at a point; said point being S 67°31'24" E a distance of 255.14' from existing (ERB) existing rebar on the southern right-of-way of Morganton Road, a

variable width right-of-way, said (ERB) existing rebar having NAD 83 Grid Coordinates N = 480,518.69 E = 2,010,741.84 and thence leaving the beginning point along the right-of-way of Morganton Road S 67°42'00" E a distance of 169.34' to a (ERB) existing rebar; thence leaving the right-of-way of Morganton Road along a curve counterclockwise having a radius of 48.66', an arc length of 45.02', a bearing of S 85°58'02" W a chord length of 43.43' to a point; thence N 68°46'52" W a distance of 90.41' to a point; thence along a curve counterclockwise having a radius of 48.66', an arc length of 46.98', a bearing of N 40°02'37" W, a chord length of 45.18' to a point on the southern right-of-way of Morganton Road; which is the point of beginning, being permanent easement (P2) having an area of 2293.85 square feet. Reference: ARC CPFAYNC001 LLC, deed book 9620 page 70, containing 1,684.10 square feet more or less.

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 13th day of November, 2023; 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