

Resolution No. R2023-\_\_\_\_\_

A RESOLUTION AND ORDER CLOSING AN UNOPENED PORTION OF BUTLER STREET

WHEREAS, under authority of NCGS 160A-299, a public hearing before the City Council of the City of Fayetteville, North Carolina was advertised as required by law, and duly held on the 9th day of January, 2023, in accordance with the notice calling for said public hearing, and all adjoining property owners having been notified by certified mail of the time, place and purpose of said meeting, the purpose of which was to determine whether that certain street portion in the City of Fayetteville, North Carolina, known as an unopened portion of Butler Street, should be closed as a public street; and a notice of said hearing having been posted on said street for four weeks prior to the holding of said hearing;

WHEREAS, during the said public hearing all interested citizens were invited to comment and state any objections they may have to the closing of that unopened portion of Butler Street as a public street; and

WHEREAS, the City Council, following such public hearing, after considering all of the facts, has determined that the closing of that unopened portion of Butler Street is not contrary to the public interest and that no individual owning property in the vicinity of said street portion will thereby be deprived of reasonable means of ingress and egress to his or her property;

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council orders and directs that the unopened portion of Butler Street, within the limits covered by the following description only, be closed as a public street under the following terms and conditions:

1. Description of area closed as a public street

BEGINNING in the northern right of way margin of Cook Street, a 50 foot public right of way where it intersects with the southwestern right of way margin of a portion of Butler Street that runs in between said Cook Street and Robeson Street, and continues thence for a first call North 04 degrees 54 minutes 52 seconds East 213.12 feet to a point in the southern right of way margin of Robeson Street, thence continuing with said southern right of way margin, North 74 degrees 43 minutes 16 seconds East 63.74 feet to a point, thence leaving said southern right of way margin of Robeson Street and continuing thence South 05 degrees 23 minutes 29 seconds West 172.10 feet to a point in the northern right of way margin of Cook Street and continuing thence along said northern right of way margin South 47 degrees 43 minutes 37 seconds West 85.92 feet to the BEGINNING, and containing approximately 11,354.78 square feet more or less.

2. That a copy of this order be recorded in the office of the Register of Deeds of Cumberland County.

3. The City reserves an easement over and under the below described area for any public utilities for the City's benefit and use to include the Public Works Commission

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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 9th day of January, 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