

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CONDEMNATION ACTION ON REMAINING PARCELS FOR NEEDED STORMWATER EASEMENTS

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 properties for the following public purpose:

Easement Interest for Stormwater Drainage for the North Street Drainage 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 parcels 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 properties 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:

Tract One: Parcel Tax ID: 0438-71-2333

Permanent Drainage Easement

BEGINNING at a computed point, said point being the northeastern corner of Lot 71 of the subdivision known as "Subdivision of Part of Fairview" as shown in Plat Book 10, Page 68, of the Cumberland County Registry and continuing thence South 07 degrees 11 minutes 00 seconds East 50 feet to a computed point, said point being the southeast corner of Lot 72 of said subdivision; thence South 82 degrees 49 minutes 00 seconds West 10.92 feet to a point; thence North 07 degrees 09 minutes 10 seconds West 50 feet to a point in the northern line of said Lot 71; thence with said northern lot line, North 82 degrees 49 minutes 00 seconds East 10.90 feet to the **BEGINNING**, containing 0.01 acres, more or less.

Temporary Construction Easement

Beginning at a computed point in the northeastern corner of Lot 71 of the subdivision known as "Subdivision of Part of Fairview" as shown in Plat Book 10, Page 68 of the Cumberland County Registry and continuing thence South 82 degrees 49 minutes 00 seconds West 10.90 feet to the **TRUE POINT AND PLACE OF BEGINNING** and continuing thence South 07 degrees 09 minutes 10 seconds East 50 feet to a point in the southern line of Lot 72 of said subdivision; thence South 82 degrees 49 minutes 00 seconds West 13 feet to a point; thence North 07 degrees 09 minutes 10 seconds West 50 feet to a point in the northern lot line of Lot 71; thence along said northern lot line, North 82 degrees 49 minutes 00 seconds East 13 feet to the **TRUE POINT AND PLACE OF BEGINNING**, and containing 0.01 acres, more or less.

Tract Two: Parcel Tax ID: 0438-71-2158

Temporary Construction Easement

BEGINNING at a computed point, said point being the northeastern corner of Lot 77 of the subdivision known as "SUBDIVISION OF PART OF FAIRVIEW" as shown in Plat Book 10, Page 68, of the Cumberland County Registry and continuing thence South 07 degrees 11 minutes 00 seconds East 19.32 feet to a point; thence North 43 degrees 59 minutes 15 seconds West 24.13 feet to a point in the northern lot line of Lot 77 of said subdivision; thence running along the northern line of said lot North 82 degrees 49 minutes 00 seconds East 14.46 feet to the **BEGINNING**, containing 0.003 acres, more or less.

Tract Three: Parcel Tax ID: 0438-71-2246

Permanent Drainage Easement:

BEGINNING at a computed point in the northeast corner of Lot 73 of the subdivision known as "SUBDIVISION OF PART OF FAIRVIEW" as depicted in Plat Book 10, Page 68 of the Cumberland County Registry and continuing thence South 07 degrees 11 minutes 00 seconds East 89.47 feet to a point, thence North 47 degrees 02 minutes 29 seconds West 17.11 feet to a point, thence North 07 degrees 09 minutes 10 seconds West 76.34 feet to a point in the northern lot line of Lot 73 of said subdivision and continuing thence North 82 degrees 49 minutes 00 seconds East 10.92 feet to the **BEGINNING**, containing 0.02 acres more or less.

Temporary Construction Easement:

BEGINNING at a computed point in the southeast corner of Lot 76 of the subdivision known as "SUBDIVISION OF PART OF FAIRVIEW" as depicted in Plat Book 10, Page 68 of the Cumberland County Registry and continuing thence South 82 degrees 49 minutes 00 seconds West 14.46 feet to a point in the northern line of Lot 77 of the aforementioned subdivision, thence North 43 degrees 59 minutes 15 seconds West 15.88 feet to a point, thence North 07 degrees 09 minutes 10 seconds West 87.29 feet to a point, thence North 82 degrees 49 minutes 00 seconds East 13.00 feet to a point, thence South 07 degrees 09 minutes 10 seconds East 76.34 feet to a point, thence South 47 degrees 02 minutes 29 seconds East 17.11 feet to a point, thence South 07 degrees 11 minutes 00 seconds East 10.53 feet to the **BEGINNING**, containing 0.03 acres more or less.

Tract Four: Parcel Tax ID: 0438-71-1696

Permanent Drainage Easement:

BEGINNING at a computed point, said point being the northwestern corner of Lot 60 of the subdivision known as "Subdivision of Part of Fairview" as shown in Plat Book 10, Page 68, of the Cumberland County Registry said point also being in the eastern right of way margin of North Street and continuing thence along the northern line of said lot North 82 degrees 49 minutes 00 seconds East 12.00 feet to a point, thence South 07 degrees 09 minutes 11 seconds East 42.01 feet to a point, thence North 52 degrees 09 minutes 10 seconds West 16.95 to a point in said eastern right of way margin of North Street and continuing thence North 07 degrees 11 minutes 00 seconds West 30.02 feet to the **BEGINNING**, containing 0.01 acres, more or less.

Tract Five: Parcel Tax ID: 0438-71-1781

Permanent Drainage Easement:

BEGINNING at a computed point in the eastern right-of-way margin of North Street, computed point also being located at the southwest corner of Lot 59 of the subdivision known as "SUBDIVISION OF PART OF FAIRVIEW" as depicted in Plat Book 10, Page 68 of the Cumberland County Registry and continuing thence North 07 degrees 11 minutes 00 seconds West 50.00 feet to a computed point, said point being the northwest corner of Lot 58 of aforesaid subdivision, thence along said northern lot line of Lot 58, North 82 degrees 49 minutes 00 seconds East 12.03 feet to a point, thence leaving said northern lot line and continuing South 07 degrees 09 minutes 11 seconds East 50.00 to a point in the southern line

of lot 59 of said subdivision, continuing thence with said southern lot line South 82 degrees 49 minutes 00 seconds West 12.00 feet to the **BEGINNING**, containing 0.01 acres more or less.

Tract Six: Parcel Tax ID: 0438-71-1786

Permanent Drainage Easement:

BEGINNING at a computed point, said point being the northwestern corner of Lot 56 of the subdivision known as "Subdivision of Part of Fairview" as shown in Plat Book 10, Page 68, of the Cumberland County Registry said point also being the eastern right of way margin of North Street, and continuing thence along the northern line of said lot North 82 degrees 49 minutes 00 seconds East 12.05 feet to a point, thence South 07 degrees 09 minutes 11 seconds East 50 feet to a point in the southern line of Lot 57 of said subdivision, thence South 82 degrees 49 minutes 00 seconds West 12.03 to a point being the southwestern corner of Lot 57, thence continuing along said eastern right of way margin North 07 degrees 11 minutes 00 seconds West 50 feet to the **BEGINNING**, containing 0.01 acres, more or less.

Tract Seven: Parcel Tax ID: 0438-71-1876

Permanent Drainage Easement:

BEGINNING at a computed point, said point being the northwestern corner of Lot 52 of the subdivision known as "Subdivision of Part of Fairview" as shown in Plat Book 10, Page 68, of the Cumberland County Registry said point also being in the eastern right of way margin of North Street and continuing thence along the northern line of said lot North 82 degrees 49 minutes 00 seconds East 12.11 feet to a point, thence leaving said northern line and continuing South 07 degrees 09 minutes 11 seconds East 50 feet to a point in the southern lot line of Lot 53 of said subdivision and continuing thence with said lot line, South 82 degrees 49 minutes 00 seconds West 10.81 feet to a point, thence South 82 degrees 49 minutes 00 seconds West 1.27 feet to a point in the eastern right of way margin of North Street and continuing thence with said eastern right of way margin, North 07 degrees 11 minutes 00 seconds West 50 feet to the **BEGINNING**, containing 0.01 acres, 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 26th day of September, 2022; 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