

**RESOLUTION TO AUTHORIZE THE CONDEMNATION
OF EASEMENTS AND THE DELEGATION OF REAL ESTATE
ACQUISITION AUTHORITY TO THE GENERAL MANAGER**

WHEREAS, Fayetteville Public Works Commission (PWC), as a public authority under North Carolina law, is entitled to exercise eminent domain rights as a local public condemner to acquire real property interests that will be titled in the name of The City of Fayetteville and used to extend, enlarge, or improve the public enterprise comprised of PWC's utility operations;

WHEREAS, PWC has determined at this time that its utility operations should be extended, enlarged, and improved by the acquisition of eighteen (18) easements specified herein below in the name of The City of Fayetteville, by and through PWC, and such acquisition is necessary and in the public interest for the benefit and use of the public, specifically by and through the establishment, extension, enlargement, or improvement (to meet the need for expanded or upgraded service) of an adequate and sound system of transmission and distribution of electricity, water supply and distribution, and sanitary sewer lines and systems;

WHEREAS, PWC has the authority under Section 6A.8 of Chapter VIA of the Charter of The City of Fayetteville to delegate certain duties and responsibilities when necessary or convenient for its operations, including but not limited to the execution of contracts, settlement statements, instruments, and other legal documents necessary for the acquisition of interests in real property, which shall be titled in the name of the City of Fayetteville, by and through PWC; and

WHEREAS, PWC has deemed that the delegation of certain duties and responsibilities specified herein below are consistent with PWC's authority and fiduciary responsibilities.

**THEREFORE, LET IT BE RESOLVED BY THE COMMISSIONERS OF
FAYETTEVILLE PUBLIC WORKS COMMISSION THAT:**

1. Fayetteville Public Works Commission, acting by and through its General Manager, is hereby authorized to acquire by condemnation, for the purposes stated above in the name of The City of Fayetteville, the property rights and interests described as follows:

a. Permanent utility easements along the southern margin of the proposed new NCDOT right-of-way ranging in width from approximately 23 feet to 65 feet across the parcels known as: 6017, 6085, 6147, 6151, 6201, 6205, 6253, 6257, 6261, 6313, 6323 Raeford Road and 1000 Wildwood Drive and 906 Bingham Drive, all in Cumberland County, for the purpose of relocating and improving existing PWC electric transmission lines and utility poles and water supply and distribution and sanitary sewer lines and systems necessary to accommodate NCDOT's roadway improvements.

b. A permanent utility easement approximately 30' in width across the vacant lot (former lake bed) owned by Bailey Lake Association, Inc. ("BLA") on the east side of Windlock Drive Extension in Cumberland County extending in a southerly

direction along BLA's southern property line together with a 10' wide temporary construction easement adjacent to and parallel with the northern margin of the above described permanent easement for the purpose of extending and enhancing PWC's water supply and distribution and/or sanitary sewer lines and systems.

c. A permanent utility easement varying in width from 30.22 feet to 42.07 feet extending along a southern line of ALW Lake Association Inc.'s vacant tract (former lake bed) on Lakeridge Drive in Cumberland County together with a 10' wide temporary construction easement adjacent to and parallel with the northern margin of the above described permanent easement for the purpose of extending and enhancing PWC's water supply and distribution and/or sanitary sewer lines and systems.

d. A permanent utility access easement approximately 20' in width with one section crossing the S/S corner of subject parcel, which is known as 2226 Hackney Loop in Cumberland County, a distance of approximately 82 feet, and a second section extending along the rear lot line a distance of approximately 79 feet, together with a 10' wide temporary construction easement extending along both sides of the first permanent easement described and along the southern margin the second permanent easement described a portion of the northernmost property connecting the two permanent easements for purpose of establishing, extending, enlarging, and improving PWC's water supply and distribution and sanitary sewer lines and systems.

e. A permanent utility easement approximately 30' in width across the parcel known as 300 Lake Club Drive in Cumberland County extending in a northeasterly direction adjacent to and parallel with the western margin of Atlantic Coast Line RR from Grantor's westernmost property line to Bugaboo Creek for the purpose of ensuring an adequate and sound system of sanitary sewer lines.

f. A permanent utility easement approximately 30' in width across the parcel known as 2095 Hyde Place in Cumberland County extending from Eldorado Drive in a South and Southeast direction to an abutting property owned by One Lake Club for the purpose of ensuring an adequate and sound system of sanitary sewer lines.

2. The General Manager is authorized to direct the attorney(s) representing Fayetteville Public Works Commission to institute the necessary legal proceedings under Chapter 40A of the North Carolina General Statutes to acquire the easements described hereinabove

3. Pursuant to Section 6A.8 of Chapter VIA of the Charter of The City of Fayetteville, PWC delegates authority to the CEO and General Manager to award and execute contracts, settlement statements, instruments, and other legal documents necessary for the acquisition of interests in real property, which shall be titled in the name of the City of Fayetteville, by and through PWC. This delegation is subject to the requirements and limitations contained within PWC's approved policies.

ADOPTED this 24th day of January, 2018.

FAYETTEVILLE PUBLIC WORKS COMMISSION

Wade R. Fowler, Jr., Chairman

ATTEST:

Darsweil L. Rogers, Secretary