

A RESOLUTION TO CONVEY REAL PROPERTY TO THE NORTH CAROLINA CIVIL WAR & RECONSTRUCTION HISTORY CENTER FOUNDATION

WHEREAS, the City of Fayetteville owns several lots being identified by the following tax parcel ID numbers; 0437-15-6018, 0437-14-5871, 0437-14-6737, 0437-14-5702, 0437-14-5616, 0437-14-4105, 0437-14-4155, 0437-14-4259, 0437-14-4264, 0437-14-4365, 0437-14-4463-NAD, 0437-14-4468-NAD, 0437-14-5475, 0437-14-5167, 0437-14-5352, 0437-14-5537, and 0437-14-5105 and more particularly described on Exhibit A attached hereto;

AND WHEREAS the North Carolina Civil War & Reconstruction History Center Foundation has requested that the City-owned lots be conveyed to them to allow them to construct the future North Carolina Civil War & Reconstruction History Center; and

WHEREAS, North Carolina General Statute § 160A-279 permits the City to convey said properties; and

WHEREAS, the City now desires to declare the property surplus to the City's needs and convey the City's title to the North Carolina Civil War & Reconstruction History Center Foundation for the construction of the future North Carolina Civil War & Reconstruction History Center project in the public interest with the understanding that the terms are set out in the Grant Agreement dated September 25, 2015 and any subsequent Amendments.

NOW THEREFORE, BE IT RESOLVED on behalf of the people of Fayetteville, the City Council declares the aforesaid real property surplus to the City's needs and the City Manager is authorized to execute all necessary documents to transfer title to the property.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, on this, the 25th day of June 2018; 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

EXHIBIT A

FIRST TRACT:

Beginning at a common property corner of J.H. Hall and Katherine McMillan, now North Carolina State Highway Commission said point being the Southwestern property corner of Katherine McMillan, now North Carolina State Highway Commission, and also being approximately 104' West of and normal to the western controlled line of the project; Thence along and with the western property line of Katherine McMillan, now North Carolina State Highway Commission in a northerly direction approximately 360' to a point, said point being where the controlled access line intersects with the western property line of Katherine McMillan, now North Carolina State Highway Commission, and also 80' West of and normal to future Ramp B; Thence along and with the western controlled access line in a southern direction approximately 70' to a point, said point being 55' West of and normal to future Ramp B; Thence along and with the western controlled access line in a southern direction approximately 100' to a point, said point being 55' west of and normal to future Ramp B; Thence along and with the controlled access line in a southern direction approximately 200' to a point, said point being 75' West of and normal to future Ramp B; Thence along and with the western controlled access line in a southern direction approximately 15' to a point said point being where the western controlled access line intersects with the southern property line of Katherine McMillan, now North Carolina State Highway Commission; Thence along and with the southern property line of Katherine McMillan, now North Carolina State Highway Commission in a westerly direction approximately 105' to the point of beginning and containing approximately 25,700 sq. ft. and being a portion of that land conveyed by Deed from Katherine McMillan to the North Carolina State Highway Commission on July 25, 1966, recorded in Book 1191, Page 163 in Cumberland County Public Registry.

SECOND TRACT:

Beginning at a point in the common property corner of H. P. Edwards et al and Josephine Poe Jones, now North Carolina State Highway Commission, said point being the Southwestern property corner of Josephine Poe Jones, now North Carolina State Highway Commission and also being approximately 70' West of and normal to the western controlled access line of the project; Thence along and with the western property line of Josephine Poe Jones, now North Carolina State Highway Commission in a northern direction 183.5' to a point said point being the Northwest property corner of Josephine Poe Jones, now North Carolina State Highway Commission and the southern margin of Arsenal Avenue; Thence along and with the northern property line of Josephine Poe Jones, now North Carolina State Highway Commission in an Eastern direction approximately 60' to a point, said point being where the controlled access line intersects with the northern property line of Josephine Poe Jones, now North Carolina State Highway Commission, said point being 75' west of and normal to Ramp B Revised; Thence along and with the western controlled access line in a southerly direction approximately 20' to a point, said point being 75' West of and normal to survey line Ramp B revised; Thence along and with the western controlled access line in a southern direction approximately 165' to a point, said point being where the western controlled access line intersects with the southern property line of Josephine Poe Jones, now North Carolina State Highway Commission; Thence along and with the southern property line of Josephine Poe Jones, now North Carolina State Highway

Commission in a westerly direction approximately 70' to the point of beginning and containing approximately 10,557 sq. ft. and being a portion of that land conveyed by Deed from Josephine Poe Jones to the North Carolina State Highway Commission on May 8, 1967, Recorded in Book 2031, Page 262 in the Cumberland County Public Registry.

IN REFERENCE TO THE FIRST AND SECOND TRACTS LISTED ABOVE PLEASE SEE EXHIBIT B ATTACHED HERETO WHICH IS A LETTER FROM THE STATE OF NORTH CAROLINA WHICH STATES THAT BECAUSE THE CONVEYANCE FROM THE CITY OF FAYETTEVILLE TO THE NORTH CAROLINA CIVIL WAR HISTORY CENTER FOUNDATION IS FOR A "HISTORICAL PURPOSE" THEN THE CONVEYANCE DOES NOT REVIVE THE REVERTER CLAUSE FOUND IN DEED BOOK 2260, PAGE 32 OF THE CUMBERLAND COUNTY REGISTRY.

THIRD TRACT:

BEGINNING at a stake in the southern margin of Arsenal Avenue South 87 degrees East 145.7 feet from the intersection of the southern margin of Arsenal Avenue with the eastern margin of Myrover Street; and running thence with the southern margin of Arsenal Avenue South 87 degrees East 57.5 feet to a stake; thence South 3 degrees West 122.5 feet to a stake; thence North 87 degrees West 62.7 feet to a stake, the southeast corner of a lot conveyed to E. A. Poe, Jr.; thence with the eastern line of said lot North 3 degrees East 70 feet to an iron pipe; thence North 8 degrees 30 minutes East 54.2 feet to the point of beginning, and being the same property conveyed from Ruth Montague Davidson Paxton to Bobby G. Anderson and wife, Sue I. Anderson, by deed dated August 31, 1982 and recorded in Book 2886, page 363, in the Cumberland County Public Registry. See also Deed Book 4140, Page 677 Cumberland County Registry.

FOURTH TRACT:

BEGINNING at a stake in the eastern margin of Myrover Street, said beginning corner being South 3 degrees West 122.5 feet from the intersection of the Southern margin of Arsenal Avenue said beginning corner being also the southwest corner of Lot Number 831 of Poe Property, a plat of which is duly recorded in Book of Plats Number 13, Page 14, in office of Register of Deeds for Cumberland County, North Carolina, and running thence with the southern line of Lots Nos. 831, 827 and 825 of said Poe Property, South 87 degrees East 200 feet to a stake; thence South 3 degrees West 61 feet to a stake; thence North 87 degrees West 200 feet to a stake in the eastern margin of Myrover Street; thence North 3 degrees East 61 feet to the place and point of BEGINNING. Also being the property conveyed to Andrew C. Cooper in Deed Book 3949, Page 393, Cumberland County Registry.

FIFTH TRACT:

BEGINNING at a stake in the eastern margin of Myrover Street, said stake being located South 3 degrees 00 minutes West 183.5 feet from the intersection of the southern margin of Arsenal Avenue and the eastern margin of Myrover Street, and running for a first call South 87 degrees 00 minutes East 239 feet to stake; thence South 3 degrees 00 minutes West 61 feet to a stake; thence North 87 degrees 00 minutes West 239 feet to a stake in the eastern margin of Myrover Street; thence with the eastern margin of Myrover Street North 3 degrees 00 minutes East 61 feet to the POINT OF BEGINNING.

Being the same property described in Deed dated September 27, 1977 from Max Cleland, Administrator of Veterans Affairs, recorded in the Office of Register of Deeds, Cumberland County, N.C., Book 2622, Page 253.

SIXTH TRACT:

BEGINNING at a point in the northern margin of Branson Street (50' wide right of way), said beginning corner also being the southwest corner of the Rajah Arab property as recorded in Book 632, Page 109, and proceeding thence along the northern margin of Branson Street, North 87 degrees 11 minutes West 26.76 feet to the point of curvature; thence along a curve to the right having a radius of 25.00 feet and an arc distance of 39.39 feet to the point of tangency located in the eastern margin of Myrover Street (30' wide right of way); thence along the eastern margin of Myrover Street, North 03 degrees 05 minutes East 103.71 feet to a point, the same also being the southwest corner of Willie Graham property as recorded in Book 2403, Page 123; thence along the Graham southern property line, South 87 degrees 15 minutes East 51.27 feet to the northwest corner of the aforementioned Arab property; thence along Arab's western line, South 02 degrees 49 minutes West 128.88 feet to the point and place of beginning and being the westernmost portion of Lots 44, 45 and 46 of Arsenal heights Subdivision, Plat Book 7, Page 103, and being the same property as recorded in Book 3142, Page 802, all references being to the Cumberland County Registry.

See also a Deed to the City of Fayetteville recorded in Book 3058, Page 249, as to a triangular parcel at the northern margin of Branson Street and the eastern margin of Myrover Street as described below:

Beginning at the intersection of the northern margin of Branson Street, a 50 foot right-of-way, and the eastern margin of Myrover Street, a 30 foot right-of-way, and running thence with said margin of Myrover Street North 02 degrees 20 minutes East 20.0 feet to a stake thence a new line South 42 degrees 50 minutes East 28.37 feet to a stake on the northern margin of Branson Street; thence with said margin North 87 degrees 20 minutes West 20.0 feet to the point of beginning.....containing 200 square feet.

SEVENTH TRACT:

BEGINNING at a point in the northern margin of Branson Street (50' wide right of way), said beginning point being the southeast corner of the Dorroll and Monsour property as recorded in Book 2779, Page 249, and proceeding thence along the eastern line of the property, North 02 degrees 49 minutes East 128.88 feet to a point in the southern line of Willie Graham property as recorded in Book 2403, Page 123; thence along said southern line, South 87 degrees 15 minutes East 51.40 feet to a point in said southern line, the same also being the northwest corner of the Bertha L. Clark property as recorded in Book 780, Page 529; thence along the Clark western line, South 02 degrees 22 minutes West 128.94 feet to a point in the northern margin of Branson Street, Clark's southwest corner; thence along the northern margin of Branson Street, North 87 degrees 11 minutes West 52.40 feet to the point and place of beginning and being parts of Lots 44, 45, and 46 of Arsenal Heights Subdivision, Plat Book 7, Page 103, and being the same property conveyed to the Grantor herein as recorded in Book 632, Page 109, Cumberland County, North Carolina, Registry.

EIGHTH TRACT:

BEING all of Lot 4 of a Subdivision of 14 Lots of E. H. Williamson Property per plat of same duly recorded in Plat Book 7, Page 138.

NINTH TRACT:

BEGINNING at a point in the eastern margin of Myrover Street (30' wide right of way), said beginning point being located North 03 degrees 05 minutes East 103.71 feet from the point of tangency of a curve at the intersection of the eastern margin of Myrover Street and the northern margin of Branson Street, said beginning corner also being the northwest corner of the Dorroll, Berti, and Monsour property as described in Book 2779, Page 249; and proceeding thence for a first call along the eastern margin of Myrover Street, North 03 degrees 05 minutes East 49.91 feet to a point in the southwestern corner of the Lymas Property as described in Book 2622, Page 349; thence along the Lymas southern property line and beyond, South 87 degrees 00 minutes East 155.05 feet to a point in the southern property line of the Ellerbe property as recorded in Book 2830, Page 445, said point also being the northwest corner of the Bertha L. Clark property as described in Book 534, Page 210; thence along the western property line of Clark property, South 02 degrees 22 minutes West 49.26 feet to the northwest corner of another tract formerly owned by Bertha L. Clark as described in Book 780, Page 529; thence along the northern property lines of the Clark property as described in Book 780, Page 592, the Arab property as described in Book 632, Page 109, and the Dorroll, et al., property as described in Book 2779, Page 249, North 87 degrees 15 minutes West 155.67 feet to the point and place of beginning. The above description was obtained from an acquisition map of the Museum of the Cape Fear, Phase I, as prepared by Moorman & Kizer, Inc., and dated May, 1989.

It is the intent of this Deed to convey all of Lot 47, Arsenal Heights, Plat Book 7, Page 103 and being the same property as conveyed to the Grantors herein by Marian Kennedy Carter, widow, by deed dated August 14, 1973, and recorded in Book 2403, Page 123.

TENTH TRACT:

BEGINNING at a point at the intersection of the eastern margin of Myrover Street (30' wide right of way) and the southern margin of Calhoun Street (30' wide right of way) and proceeding thence along the southern margin of Calhoun Street, South 87 degrees 11 minutes East 142.36 feet to a point, the northwest corner of the Ellerbe property as described in Book 2830, Page 445; thence along the western property line of Ellerbe, South 02 degrees 49 minutes West 52.50 feet to a point in said line, the same also being the northeastern corner of the Lymas property as described in Book 2622, Page 349; thence along the northern property line of Lymas, North 87 degrees 09 minutes West 142.61 feet to Lymas' northwest corner in the eastern margin of Myrover Street; thence along the eastern margin of Myrover Street, North 03 degrees 05 minutes East 52.43 feet to the point and place of beginning and being the same property as conveyed by William H. O'Dell and wife, Jo E. O'Dell to Provest, Inc., dated August 21, 1987, and recorded in Book 3321, Page 797.

It is the intention of this deed to convey all of Lot 3 of the E. H. Williamson Subdivision as recorded in Plat Book 7, Page 138.

ELEVENTH TRACT:

BEGINNING at the northern margin of Calhoun Street (30' wide RW) at its intersection with the eastern margin of Myrover Street (30' wide RW) and running thence with the eastern margin of Myrover Street N 03 degrees 05' E 52.48' to the southwest corner of the property conveyed to the City of Fayetteville in Book 3592, Page 601; thence with the southern line of the property described in Book 3592, Page 601, S 87 degrees 02' E 141.53' to a stake in the western line of the W. Vardell Williamson property as described in Book 2183, Page 65; thence with the western line of Williamsons' property S 02 degrees 48' W 52.14' to the northern margin of Calhoun Street; thence with the northern margin of Calhoun Street N 87 degrees 11' W 141.78' to the beginning.

For history of title see estate files 76-E-264 and 66-E-712, Clerk of Court, Cumberland County. Also see deed in Book 337, Page 201, Cumberland County Registry.

TWELFTH TRACT:

BEING all of Lot 1 of the E. H. Williamson Subdivision, Plat Book 7, Page 138.

THIRTEENTH TRACT:

BEGINNING at a stake in the northern margin of Coulhoun Street South 86 degrees 42 minutes East 150 feet from its intersection with the eastern margin of Myrover Street and running thence for a first call North 03 degrees 18 minutes East 107.5 feet to a stake; thence South 86 degrees 42 minutes East 83 feet to a stake; thence South 03 degrees 18 minutes West 107.5 feet to a stake in the northern margin of Calhoun Street North 86 degrees 42 minutes West 83 feet to the point of Beginning. Being all of Lot 5 and part of Lot 7, E. H. Williamson Property, Plat Book 7, Page 138.

FOURTEENTH TRACT:

BEGINNING at a point in the northern margin of Branson Street, said point also being the southeast corner of the Bertha L. Clark property as recorded in Book 780, Page 529, and proceeding thence along the eastern property line of said Clark property and along the eastern line of the Willie Graham Property as recorded in Book 2403, Page 123, North 02 degrees 22 minutes East 178.26 feet to a point, the same also being the northeast corner of the Graham property and located in the southern property line of the property now or formerly owned by Hossack Franklin Ellerbe, Jr., as recorded in Book 2830, Page 445; thence along the southern property line of the Ellerbe property and the southern property line of a parcel owned by the North Carolina Department of Transportation as recorded in Book 2187, Page 625, South 87 degrees 00 minutes East 49.98 feet to a point, the same also being the northwest corner of a tract owned by the North Carolina Department of Transportation as recorded in Book 2076, Page 486; thence along the eastern property line of the property described in Book 2076, Page 486, South 02 degrees 22 minutes West 177.04 feet to a point in the northern margin of Branson Street the same also being the southwest corner of the aforementioned property recorded in Book 2076, Page 486; thence along the northern margin of Branson Street, North 88 degrees 34 minutes West 50.00 feet to the point and place of beginning.

It is the intention of this Deed to convey all of Lot 48 in the subdivision known as Arsenal Heights per plat of same duly recorded in Book of Plats S #7, Page 103, and being the same property conveyed by J. A. Lewis, Sr., widower, to A. R. Clark and wife, Bertha Lewis Clark, recorded in Book 534, Page 210. A. R. Clark died December 22, 1979.

FIFTEENTH TRACT:

Being ALL OF Lot 6, HAYMOUNT HILL SUBDIVISION, per plat of same duly recorded in Plat Book 7, Page 138.

SIXTEENTH TRACT:

BEGINNING at an iron stake in the eastern right-of-way margin of Myrover Street, said iron stake being the northwest corner of Lot 1 as shown in Plat Book 7, Page 138, Cumberland County, North Carolina Registry and running thence with the eastern right-of-way margin of Myrover Street North 03 degrees 05 minutes East, 124.74 feet to an iron stake; thence leaving the right-of-way margin of Myrover Street and running with the southern and eastern line of a tract recorded in Deed Book 2622, Page 253, the following two calls: South 86 degrees 39 minutes East, 234.68 feet to an iron stake, North 03 degrees 20 minutes East, 61.00 feet to an iron stake; thence south 86 degrees 39 minutes East, 25.67 feet to a point in the western right-of-way margin to the CBD Loop; thence with the western margin of the CBD Loop the following three calls: South 02 degrees 50 minutes West, 141.28 feet to a point, North 85 degrees 41 minutes West, 8.05 feet to a point, South 04 degrees 19 minutes West, 42.28 feet to a point, said point being in the northern boundary of Lot 9 as shown in Plat Book 7, Page 138, Cumberland County Registry; thence with the northern boundary of said plat North 87 degrees 11 minutes West, 252.27 feet to the point of beginning and containing 0.77 acres, more or less.

SEVENTEENTH TRACT:

BEGINNING at a point in the northern margin of Branson Street (50' wide right of way), said point also being the southeastern corner of the Rajah Arab property as recorded in Book 632, Page 109, and proceeding thence for a first call along Arab's eastern line North 02 degrees 22 minutes East 128.94 feet to a point in Arab's northeast corner, said point also being in the southern property line of the Willie Graham property as recorded in Book 2403, Page 123; thence along the said Graham southern property line, South 87 degrees 15 minutes East 53.00 feet to Graham's southeast corner, said point also being in the western property line of the Bertha L. Clark property as recorded in Book 534, Page 210; thence along the western property line of the aforementioned Clark property, South 02 degrees 22 minutes West 129.00 feet to a point in the northern margin of Branson Street, the same also being the southwest corner of the aforementioned Clark property; thence along the northern margin of Branson Street, North 87 degrees 11 minutes West 53.00 feet to the point and place of beginning and being the eastern part of Lots 44, 45, and 46 as shown on a plat recorded in Plat Book S #7, Page 103, Cumberland County Registry. Also being the same property as conveyed by Fred Solomon David, et al., to A. R. Clark and wife, Bertha L. Clark, and recorded in Book 780, Page 529. A. R. Clark died December 22, 1979.