

A RESOLUTION AND ORDER CLOSING A PORTION OF SHENANDOAH DRIVE

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 25th day of June, 2018, 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 a portion of Shenandoah Drive, 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 portion of Shenandoah Drive 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 portion of Shenandoah Drive 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 portion of Shenandoah Drive, 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 at an existing iron stake in the southeast corner of that parcel described in Deed Book 4402, Page 188 known as Lot 2 of the Resubdivision of Lot 2 Hildegard P. Smith Property recorded in Plat Book 58, Page 58 of the Cumberland County Registry and continuing thence North 79 degrees 32 minutes 07 seconds East 183.76 feet to a point thence South 09 degrees 50 minutes 00 seconds East 60 feet to a point, thence South 79 degrees 32 minutes 07 seconds West 183.76 feet to a point, thence North 09 degrees 50 minutes 00 seconds West 60 feet to the BEGINNING, and containing approximately 11,004.89 square feet.

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 closed area for any public utilities for the City's benefit and use to include the Public Works Commission and to also more specifically reserve the right for the area which includes manholes to be left unobstructed and accessible 24 hours a day 7 days a week to allow for any maintenance.

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 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