

Regular Meeting
City Council - Fayetteville, N.C.
September 26, 1960

The regular meeting of the City Council was held in the City Hall at 8:00 P.M. on September 26, 1960.

Present: Mayor George B. Herndon

G. W. Ray, City Manager
Nelson Taylor, Acting City Attorney

Councilmen: Eugene Plummer
Sol C. Rose
Ernest L. Massei

Public hearing had been advertised on the levying of paving assessments for certain streets including Lake Shore Drive. The City Manager stated that at the last meeting there was some opposition to the proposed assessments to be made on Lake Shore Drive and he advised that he and the engineers have studied the matter very carefully and discussed the matter with the attorneys of the property owners opposing the assessment and they would like to recommend that an assessment of \$5.76 per foot be levied on the east or high side of the street or water side of the street that assessment be levied in one-half that amount. Mr. Ray stated that they base their recommendation on the fact that the law states that the governing body has the privilege of ordering a street paved to connect two existing streets provided they can justify to the satisfaction of all concerned that the property owners will be benefited and there is some question in their minds as to whether the paving would be of any benefit on the water front side of the street. Therefore, Councilman Plummer moved that the recommendation of the City Manager be accepted. Motion seconded by Councilman Rose and unanimously carried.

On motion of Councilman Plummer, seconded by Councilman Rose, the following ordinance was unanimously adopted:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR THE PAVING AND OTHER IMPROVEMENT OF WOODBINE STREET, SPRUCE STREET, PRIMROSE DRIVE, GOLA DRIVE AND LAKE SHORE DRIVE

After careful study and consideration of the matter and of all pertinent facts and circumstances, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina, finds as fact that:

1) The preliminary assessment roll for the paving and other improvement of Woodbine Street, Spruce Street, Primrose Drive, Gola Drive and Lake Shore Drive, in the City of Fayetteville, North Carolina, was filed in the office of the City Clerk of the City of Fayetteville, North Carolina, at a meeting of the City Council of the City of Fayetteville, North Carolina, on the 22nd day of August, 1960, and said Clerk was directed to publish in the Fayetteville Observer, a newspaper in general circulation published in Fayetteville, North Carolina, a notice that such preliminary assessment roll had been so computed, filed as aforesaid, and was open for inspection by all persons interested, and said notice was accordingly published in said newspaper in its issue of the 14th day of September, 1960, reading as follows:

RESOLUTION AND ORDER TO FILE AND PUBLISH PRELIMINARY ASSESSMENT ROLL FOR PAVING AND OTHER IMPROVEMENT ON WOODBINE STREET, SPRUCE STREET, PRIMROSE DRIVE, GOLA DRIVE AND LAKE SHORE DRIVE

After careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and in the exercise of its best legislative judgment, the City Council of Fayetteville, North Carolina, finds as fact that:

1) Woodbine Street, Spruce Street, Primrose Drive, Gola Drive and Lake Shore Drive, in the City of Fayetteville, North Carolina, has been paved and curbs and gutters laid thereon, and the total cost of such paving and improvement has been computed and ascertained and assessments of the cost of the same made by the City Council, which has made an assessment roll for such project with the name of each person assessed, the amount assessed against each such person, with a brief description of the lots or parcels of land so assessed;

NOW, THEREFORE, the City Council of the City of Fayetteville, North Carolina, does order that:

1) Said preliminary assessment roll shall be immediately filed and deposited in the office of Mrs. Louise W. Talbot, City Clerk of the City of Fayetteville, in the City Hall of the City of Fayetteville, where the same may be inspected by all parties interested.

2) Notice is hereby given that a meeting of the City Council of Fayetteville, North Carolina, will be held in the Court Room of the City Hall of Fayetteville, North Carolina, at 8:00 P.M., on the 26th day of September, 1960, to hear allegations and objections in respect of the aforesaid special assessments, when and where all persons interested may attend and be heard; and notice is further given that any person interested in said assessment roll who shall fail to appear at said time and place and make or file objections thereto, will be forever barred and precluded from confirming the amount or validity of such assessments, and such assessment roll thereupon will be confirmed.

3) This RESOLUTION and ORDER shall be published once in the Fayetteville Observer, a newspaper published in the City of Fayetteville, ten (10) days before the time fixed for said meeting.

Adopted this 22nd day of August, 1960, by the City Council of the City of Fayetteville, North Carolina.

2) The City Council of Fayetteville, North Carolina, met at the time and place stated in said published notice to hear protests or objections to said preliminary assessment roll, and no such protest or objections were filed or otherwise made (or, protests and objections being filed and made, the City Council of the City of Fayetteville, North Carolina found and finds now again that such protests and objections are without merit), and all persons affected by said preliminary assessment had legal notice of said meeting and of such assessment;

NOW, THEREFORE, the City Council of the City of Fayetteville, North Carolina, does ordain that:

1) Two-thirds of the cost of street paving and curbs and gutters, after subtracting the cost of street intersections therefrom, be and the same is hereby assessed against the property owners and against the lots and parcels of land abutting directly on said Street, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage, and a copy of said assessment for said Street paving and other improvement is hereby adopted and made a part of this ORDINANCE.

2) Said assessment referred to in the preceding paragraph levied against the property located on said Street so paved and improved be and the same is, hereby in all respects, confirmed and hereby declared to be a lien upon said property, of the same nature and to the same extent as County, City or Town Taxes, and superior to all other encumbrances, and it is hereby declared that the levy is made only for the purpose of defraying the cost for the public improvement made upon said Street, namely street paving, laying of curbs and gutters, which is a direct benefit to the property on said Street, and that said benefits to said property are greater in value to said property than the cost of assessments hereby made.

3) A copy of this assessment roll shall be filed immediately in the office of the Tax Collector of the City of Fayetteville, North Carolina, who shall cause the same to be published twenty-one (21) days after the adoption of this ORDINANCE by notice in The Fayetteville Observer, a newspaper published in the City of Fayetteville, to the effect that the said assessment roll has been completed, confirmed, and is now on file in his office, and that the owners of the property against whom said assessments are made may pay said assessments without interest, provided it is paid in full within thirty (30) days after the date of publication of said notice, and if not so paid, said assessment roll shall bear interest from the date of ratification of this ORDINANCE at the annual rate of six (6) per cent.

4) The persons against whom the assessments hereinbefore referred to have been made, shall, at their option, have the right to pay said assessments in five (5) equal annual installments, each installment bearing annual interest from the date of ratification of this ORDINANCE at the rate of six (6) per cent, the first installment to be due in the City of Fayetteville, North Carolina, thirty (30) days after the publication of the Tax Collector's said notice and in the same manner as City Taxes, and a like installment to be due and payable each year thereafter for a period of four (4) years at the same place as for the payment of City Taxes; further, any person against whom any such one of said assessments hereinbefore referred to have been made can have the right, at his option, to pay off and discharge the entire assessment at any time during the continuation of said assessments by paying the balance due, plus interest at the annual rate of six (6) per cent as aforesaid.

5) This ORDINANCE shall be in full force and effect from and after the date of its adoption.

Adopted this 26th day of September, 1960, by the City Council of the City of Fayetteville, North Carolina.

George B. Herndon
Mayor

Louise W. Talbot
Clerk