

Regular Meeting
City Council - Fayetteville, N. C.
February 13, 1961

The regular meeting of the City Council was held in the City Hall, at 8:00 P.M., February 13, 1961.

Present: Mayor George B. Herndon

G. W. Ray, City Manager

Councilmen: Sol Rose
Eugene Plummer
Ernest L. Massei

J. O. Tally, Jr., City Attorney

Mr. Reid Ross, Superintendent of City Schools, requested that Buxton Boulevard be paved from Wilmington Road to the northern driveway of the District 10 School, using State Highway standards for paving. They are aware that this is an exception to the policy of the City in asking that they be allowed to pave this street eighteen or twenty feet wide, but they feel that the pavement is of such importance that they are justified in asking for this exception. Mr. Ross further stated that the school board is willing to participate to the extent of one-half the cost of this paving. After considerable discussion, Councilman Rose moved that the request of the School Board be approved and the City participate in the amount of the paving cost to the extent of fifty per cent, and that the other property owners on Buxton Boulevard not be assessed, and further that the design and width of the street should be worked out with the City Engineer. Motion seconded by Councilman Massei, and unanimously carried.

On motion of Councilman Massei, seconded by Councilman Rose, the following resolution was unanimously adopted:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION OF BLUE STREET

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 legislative judgment, The City Council of Fayetteville, North Carolina, finds as fact that:

1) A petition, pursuant to North Carolina General Statute 160-82, et seq, was filed with the City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Blue Street, and said petition is in due and sufficient form, containing a general description of the paving and other improvement proposed for said Street, and requesting that such paving and other improvement be made in conformity with the applicable provisions of law, and that the proportion of the cost of such paving and other improvement below specified be specially assessed against the property abutting on said Street, and said petition has been signed by at least a majority in number of the owners, who own at least a majority of all lineal feet of frontage, of the lands abutting on said Street.

and

2) THE RESOLUTION and ORDER adopted at its meeting on the 13th day of February, 1961, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO RESOLUTION OF BLUE STREET," having been duly published on the 3rd day of February, 1961, in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, North Carolina, giving notice of a meeting of the City Council to be held on the 13th day of February, 1961, at 8:00 o'clock P.M., in the Court Room at the City Hall of Fayetteville, North Carolina, when all objections to the legality of making the proposed improvements were to be made in writing, signed in person or by Attorney, filed with the Clerk of the City of Fayetteville, at or before said time, and that any such objections not so made would be waived, and objections to the legality, as well as to the policy or expediency, of the making of said improvements not having been filed or made (or having been filed and made, which objections were duly considered by said City Council, and none of said objections were sustained);

and

3) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Blue Street;

and

4) The property abutting on said street to be so paved and improved will be benefited by such pavement and improvement to the extent of the part of the cost thereof to be assessed, as stated below, against such abutting property;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, DOES ORDER THAT:

1) All of that portion of Blue Street which lies between Washington Drive and Murchison Road, shall be paved (or repaved) and curbs and gutters laid thereon, the cost of such improvements (exclusive of so much of said cost as is incurred at street intersections) to be specially assessed

in the amount of two-thirds thereof upon the lots and parcels of land abutting upon said improved street portions according to the extent of the respective frontage thereon by an equal rate per foot of such frontage, to be paid after completion of such work and within thirty (30) days after notice of assessment, in cash with no interest, or in five equal annual installments, bearing annual interest at six (6%) per cent, payable annually.

2) This RESOLUTION and ORDER shall be published once in THE FAYETTEVILLE OBSERVER, a newspaper published in the City of Fayetteville, and shall be in effect immediately following such publication.

Adopted this 13th day of February, 1961, by the City Council of the City of Fayetteville, North Carolina.

George B. Herndon
Mayor

Louis H. Tally
Clerk

To be published one (1) time
March 1, 1961

Public hearing has been advertised on an amendment to the zoning ordinance for rezoning from Residence 5 to Residence 6 property at the corner of Seabrook Road and Broadell Drive. This is a part of Holly Springs, Part 3, & includes the unnumbered lots adjacent to Lots 1, 2, 3, of Block A Holly Springs Part V.

Mr. Duane Gilliam, attorney representing neighbors of the people who filed the petition for this property, to be rezoned, stated that they would like to urge that the Council rezone this property to Residence 6. He further stated that the lot was originally recommended to be zoned R-6, but before final adoption was changed and zoned in R-5. The people in that area feel that they are entitled to the protection representing Broadell Homes, who is opposing the rezoning of this property stated that his clients made application and were issued a building permit to build a fourteen apartment building on this lot and the building is now under construction. He protested the rezoning of the lot on behalf of his clients further stating that the work on the building has been stopped because of the opposition involved.

Someone suggested that a court order had been issued against Broadell Homes requesting that they stop construction, but this was denied by both Mr. Nimocks and Mr. Gilliam. Mr. Nimocks stated that the building construction was stopped because of the complaint and because of their suit that has been filed in the court and the mortgage company did not feel secure in allowing Broadell Homes to proceed at this time.

After considerable discussion, Councilman Plummer moved that the matter be tabled until such time as the court has reached a decision and action can be taken by the Council. Motion seconded by Councilman Rose. Voting "aye" Councilmen Plummer, Rose and Mayor Herndon. Councilman Massei did not vote.

Norris Washington requested the Council approve paving at part of Blue Street from Washington Drive to Greensboro Street. This request was not accompanied by petition so he was asked to get a petition from the Engineering Department and have it signed by property owners of that part of Blue Street and return it to the Council for consideration.

Councilman Rose moved that before any other applications are issued by the Building Inspector for any building on the lots in question, the Building Inspector bring the matter before the City Council for their consideration. Motion seconded by Plummer, and unanimously carried.

Public hearing having been duly advertised and on motion of Councilman Rose, seconded by Councilman Plummer, the following amendment to the zoning ordinance was unanimously approved:

Rezone from Residence 6 to Local Business, property described as follows:

Beginning at a point of the western margin of Ramsey Street, said point being 530' Southward from the southwestern corner of Ramsey Street and Hillsboro Street and the southeastern corner of Lot 24, Harrington Hills Heights; and running thence with the southern margin of Lot 24, S 79 degrees 38 minutes west approximately 146 feet to the southwestern corner of Lot 24; and running thence along the eastern property line of Lots 22, & 24, N 10 degrees 21 minutes W 100' to the northeastern corner of Lots 23, and running thence with the north property line of Lot 23, S 79 degrees 88 minutes west to a point in the eastern margin of Cochran Avenue; and running thence with the eastern margin of Cochran Avenue S 10 degrees 21 minutes E 200 feet to the southwestern corner of Lot 29; and running thence with the southern margin of Lots 29 and 28 approximately 292 feet to a point on the western margin of Ramsey Street and running thence N 10 degrees 21 minutes W 100 feet to the beginning, and being all of Lots 23, 25, 26, 27, 28, & 29 Harrington Hills Heights property of Fannie Stein.