

Councilman Massei moved that the contract be awarded to Crowell Constructors in the amount of \$2,513.00 for the construction of the two tennis courts in the Honeycutt Recreation Area. Motion seconded by Councilman Plummer, unanimously carried.

The City Manager reported that the new roofs are very badly needed in the Ceramics and Museum Buildings in Honeycutt Recreation Area and he would like to recommend that the bid from D. R. Allen & Son in the amount of \$748.00 be accepted.

On motion of Councilman Plummer, seconded by Councilman Massei, the contract for re-roofing at Honeycutt Recreation Buildings was awarded to D. R. Allen & Son in the amount of \$748.00

Mr. J. O. Tally, Jr. presented a resolution on behalf of the Public Works Commission requesting the condemnation of property owned by Cordula Gulickson for an electric easement at the intersection of Highway 59 on Murchison Road. Mr. Tally informed the Council that every effort had been made to negotiate a reasonable settlement with Mrs. Gulickson and she has refused all offers. On motion of Councilman Plummer, seconded by Councilman Rose, the following resolution was unanimously adopted:

RESOLUTION AUTHORIZING AND DIRECTING THE ACQUISITION, BY CONDEMNATION, OF EASEMENTS FOR TWO ELECTRIC UTILITY POLES AND GUY LINES IN, UPON, AND OVER CERTAIN LAND OWNED BY CORDULA G. GULICKSON.

1) Whereas the City of Fayetteville, pursuant to Chapter 28 of the Laws of 1925, owns and operates, in and outside said City, by and through its Public Works Commission, electric lines;

2) AND WHEREAS the public demand for its electric service requires extension by said City, through said Commission, of said electric lines, in, upon, and over those portions of land owned by Cordula G. Gulickson described as follows:

NORTH CAROLINA
CUMBERLAND COUNTY
TOWNSHIP OF CARVERS CREEK

A ten (10) foot wide easement area thirty-five (35) feet in length, lying and being in Carvers Creek Township, Cumberland County, North Carolina, and adjacent and contiguous to the western margin of Murchison Road and the southern property line of land owned by Cordula G. Gulickson, and being more particularly described as follows:

BEGINNING at a point in the western margin of Highway N. C. 210 (Murchison Road) at the intersection of the southern line of the Cordula G. Gulickson tract of which this is a part and the western margin of Highway N. C. 210, and running thence South 55 degrees 10 minutes West 35 feet; thence North 33 degrees 25 minutes West 10 feet; thence North 48 degrees 07 minutes East 35 feet; and thence with the western margin of Highway N. C. 210 South 34 degrees 50 minutes East 12.89 feet to the point of the beginning.

Also, a ten (10) foot wide easement thirty-five (35) feet in length, located at the northern property line of the Cordula G. Gulickson land adjacent to Highway N. C. 59 approximately 134 feet East of the western property boundary, and being more particularly described as follows:

BEGINNING at a point in the southern margin of Highway N. C. 59, said point being North 33 degrees 20 minutes East 133.97 feet from the intersection of the western line of the Cordula G. Gulickson tract of which this is a part and the southern margin of Highway N. C. 59, and running thence South 51 degrees 10 minutes East 35 feet; thence North 33 degrees 20 minutes East 10 feet; thence North 51 degrees 10 minutes West 35 feet; and thence with the southern margin of Highway N. C. 59 South 33 degrees 20 minutes West 10 feet to the point of beginning.

3) AND WHEREAS, in the public interest, it is necessary that said City acquire, in, upon, and over the above described land, for said electric lines, easements that will vest said City with the perpetual right, easement and privilege to build, construct, install, maintain and operate electric lines, with such poles, guy lines, and other attachments, equipment and accessories necessary or desirable in connection therewith, to have full ingress and egress, thereto and therefrom, over adjoining lands of Grantor, to patrol, inspect, alter, improve, repair, relocate, remove and replace any or all of such lines, and other attachments, equipment and accessories, to cut and keep clear all trees and undergrowth (both on the described easement area and adjacent thereto) that may in any way endanger the proper use and enjoyment of the easement, and to have all rights and privileges necessary or convenient for the full enjoyment or use of this easement in, on, over, and through and across the above described land;

4) AND WHEREAS, over a period of several months, said City, through said Commission, has, in good faith, negotiated with said Cordula G. Gulickson to acquire, by purchase, said easements above described, in, upon, and over said described land above, and, in said negotiations, said City, through said Commission, among other efforts, did:

A) determine that fair, just and full compensation for such easements would be Fifty Dollars (\$50.00), and offered said sum therefor to said Cordula G. Gulickson, but she refused and rejected said offer;

B) thereafter, at the sole expense of said City, caused an appraisal of three (3) licensed realtors to be made of said easement value which appraisal was that a fair, just and full compensation for such easements would be Two Hundred and Fifty Dollars (\$250.00), and did offer said sum for such easements to said Cordula G. Gulickson, but she refused and rejected said offer;

5) AND WHEREAS said City and said Cordula G. Gulickson still cannot agree upon the price to be paid as fair, just and full compensation for said easement;

6) NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THAT:

A) It is found as fact that each and all parts of paragraph 1) through 5) above are true.

B) Without limiting the generality of the foregoing, it is found necessary, in the public interest and in the promotion of safety, convenience, and the general welfare, that said City acquire in, upon and over those portions of the land of said Cordula G. Gulickson described in paragraph 2) above, and easement of the nature and extent described in paragraph 3) above.

C) Without limiting the generality of the foregoing, it is found that said City has undertaken by extended negotiations in good faith to acquire from said Cordula G. Gulickson, by purchase, said easements for amounts that represented fair, just and full compensation therefor, but said offers of said City have been refused and rejected by said Cordula G. Gulickson, and said City and said Cordula G. Gulickson cannot agree upon the price to be paid as fair, just and full compensation for said easements.

D) Special Proceeding shall be instituted in the name of the City of Fayetteville in the Superior Court of Cumberland County, North Carolina, for the acquisition, by said City, by eminent domain, in, upon and over those portions of the land of said Cordula G. Gulickson described in paragraph 2) above, of easements of the nature and extent described in paragraph 3) above, against all persons owning or claiming any interest in said land, including, but not limited to, Cordula G. Gulickson, and that, in said Special Proceeding, the court be prayed to appoint Commissioners to determine the compensation which justly should be paid to the owners of said property, as provided by law.

Adopted this 25th day of April, 1961.

Mr. J. O. Tally, reported that McArthur Property was bid in for the National Fayetteville Company at the price of \$8,550.00 and if a higher bid is not presented within 10 days or the 28th of April, the sale should be confirmed. Councilman Plummer moved that if the higher bid is not filed by the expiration of 10 days, or April 28th, that the Council confirm the bid of the Fayetteville National Company to purchase a portion of the McArthur Property and the Mayor and City Clerk be authorized to sign deed upon receipt of \$8,550.00 Motion seconded by Councilman Rose, unanimously carried.

The Planning Director stated that some weeks ago there was talk of extending the Mapping Contract and he was given informal approval to fly this property for a total of 35 square miles at a cost not to exceed \$2,240.00. The Public Works Commission agreed to pay one-half the cost. This work has been done and he asked that the expenditure in the amount of \$2,240.00 be approved. Councilman Rose moved that approval be given for paying Maps Inc. for 35 square miles in the amount of \$2,240.00 with request being made to Public Works Commission for one-half the cost as agreed. Motion seconded by Councilman Plummer, and unanimously carried.

Mr. Ray Muench, PWC, asked that the Council approve the paving of Filter Drive. No action was taken.

The City Manager on behalf of Mr. Howard Buie, asked permission for the Cape Fear Kiwanis Club to operate children's rides on the vacant lot at the intersection of Stamper Road and Bragg Blvd. Councilman Massei moved that this permission be granted. Motion seconded by Councilman Rose, and unanimously carried.

Mayor Herndon stated that he has been in the City Government for a period of 12 years with 8 of this 12 years as Mayor, and on his retirement he would like to state that in his opinion the Mayor of the City should be shown more respect. Mayor Herndon elaborated in stating that sometimes it is quite embarrassing when important people come to meet with the Mayor and he does not have a decent office in which to invite them. He recommended that a nice office be fixed in the City Hall with a full time secretary who can be trained to answer the phone and take care of citizens when they call for information, and any other duties that might be necessary in connection with the Mayor's office.

Mayor Herndon congratulated the two councilmen present on their success in the primary and also congratulated the new Mayor, Robert H. Butler, who was present at this meeting.

Councilman Massei endorsed the recommendation of the Mayor. Councilman Rose stated that on behalf of the City Council, he would like to commend Mayor Herndon for the fine job he has done and stated that he feels that Mayor Herndon has set a pace that will be hard for any future Mayor to follow.

Councilman Plummer moved that an office be set up for the Mayor and that he be given a full time secretary. Motion seconded by Councilman Massei, and unanimously carried.

Mr. Butler expressed his appreciation of being invited to this meeting and also his appreciation for the action that has been taken on the new Mayor's office and full time secretary.