

Regular Meeting
Monday, October 9, 1961
8:00 P. M.
Court Room

Present: Mayor Robert H. Butler
Mayor Pro-tem Sol C. Rose

Councilmen:
Ted O. Rhodes
D. B. Maness

FWC Administrator, R. A. Muench, Jr.
FWC Engineer, C. A. Purcell
City Attorney, J. O. Tally, Jr.

Absent: Councilman Eugene Plummer

The first matter for consideration of the Council was a public hearing on rezoning an area adjacent to Eutaw Shopping Center from R-10 Residential to C1P Shopping Center District. Advertisement had been made for this time and date. Motion to amend zoning ordinance as recommended by the Planning Board was made by Councilman Rose, seconded by Councilman Rhodes. Mayor Butler asked if there was any discussion or opposition. Mr. Jack Wilkes, Mr. Adrian Williams and other property owners appeared in opposition in that the rezoning would create an increased traffic noise problem. After some discussion, Councilman Rose, seconded by Councilman Rhodes moved that the zoning ordinance be amended to rezone the area in question from R-10 Residential to C1P Shopping Center District with an exception as shown in description below. The Council voted unanimously approved as follows:

Rezoned an area adjacent to Eutaw Shopping Center from R-10 Residential to C1P Shopping Center District, with the exception of the strip along Stamper Road extending 150 feet westward from Stamper Road and further excluding all of Lot 25 on the western side of Stamper Road described as follows:

BEGINNING at the Northwestern intersection of the margins of Bragg Boulevard and Stamper Road and running thence North 60 degrees and 59 minutes West 150.89 feet along the Northern margin of Bragg Boulevard to a point, said point being a corner of the present C1P Shopping Center District, and running thence with the present C1P Shopping Center District North 35 degrees 11 minutes East 301.06 feet to a point, and running thence along a curve to the right which has a radius of 672.74 feet for a distance of 169.07 feet to a point, and running thence North 29 degrees 26 feet West 174.1 feet to a point, and running thence along a curve to the left which has a radius of 1337.64 feet for a distance of 98.0 feet to a point, and running thence North 33 degrees 38 feet West 98.0 feet to a point, and running thence along a curve to the left which has a radius of 582.66 feet for a distance of 281.0 feet to a point, and running thence North 61 degrees 21 minutes West 322.02 feet crossing Elm Street to a point in the Western margin of Elm Street, and running thence 37 degrees and 07 minutes West 143.2 feet with a western margin of Elm Street to a point, and running thence North 58 degrees and 02 minutes West 171.50 feet to a point, said point being a corner in the present C1 Local Business District, and running thence North 31 degrees and 58 minutes East 428.89 feet to a point in the Southern margin of Beech Street, and running thence South 66 degrees and 05 minutes East 174.39 feet with the southern margin of Beech Street to a point in the west margin of Elm Street, and running thence South 58 degrees and 21 minutes East 60.0 feet crossing Elm Street to the eastern boundary of Elm Street, and running thence South 57 degrees and 53 minutes East 180 feet to a point, and running thence North 36 degrees 21 minutes East 135.37 feet to a point, and running thence North 57 degrees 53 minutes West 44.1 feet to a point, and running thence North 60 degrees 38 minutes 11.6.29 feet to a point, and running thence South 56 degrees and 43 minutes East 469.3 feet to a point, and running thence South 33 degrees 17 minutes West 239.05 feet to a point, and running thence South 56 degrees 43 minutes East 363.87 feet to a point, and running thence South 49 degrees 29 minutes West 154.82 feet to a point, and running thence South 20 degrees 40 minutes West 77.71 feet to a point, and running thence South 23 degrees 11 minutes West 81.79 feet to a point, and running thence South 54 degrees 49 minutes East 175.0 feet to a point in the west margin of Stamper Road, and running thence South 35 degrees and 11 minutes West 530.85 feet along the west margin of Stamper Road to the beginning.

A public hearing having been advertised and there being no opposition present, and on motion of Councilman Rhodes, seconded by Councilman Maness, the Council voted unanimously to zone the area described below R-10:

BEGINNING at a concrete monument, the southwest corner of a tract herein described, being also the northwest corner of Frank Clark's land, in the eastern line of Bordeaux Commercial area as zoned on a plat recorded in Book of Plats 15, page 51, and running thence with the dividing line between the tract hereinafter described and Frank Clark's property, North 74 degrees 46 minutes East 2592.6 feet to a concrete monument; thence North 15 degrees West 1134.5 feet to a four inch cast iron pipe filled with concrete; thence South 74 degrees 46 minutes West 799.2 feet to a two inch iron pipe; thence North 9 degrees 32 minutes West 761.7 feet to a concrete monument; thence South 80 degrees 20 minutes West 1874.0 feet to a concrete monument; thence South 15 degrees East 2074.2 feet to the place and point of beginning.

A public hearing having been advertised and there being no opposition present, and upon motion by Councilman Rose, seconded by Councilman Maness, the Council voted unanimously to zone the area described below R-6 Residential:

BEGINNING at a point in the southern margin of Fort Bragg Road, said point being a corner in the present corporate limits of the City of Fayetteville and the northeastern corner of Lot 4 of the "Mathews Subdivision", as recorded in Plat Book 10, Page 15, Cumberland County Registry; and running thence with the southern margin of Fort Bragg Road and the northern margin of Lots 4, 3, 2, and 1 of the Mathews Subdivision, North 53 degrees 30 minutes West 100 feet to a corner in said subdivision; and running thence with the western margin of Lot 1 South 45 degrees 26 minutes West 144.5 feet to a corner in said subdivision; and running thence with the western margin of the Mathews Subdivision and the western margin of Lots 31, 32, 63 and 64 crossing Edencross South 54 degrees 9 minutes West, approximately 447 feet to a point, said point being South 54 degrees 09 minutes West, 74.5 feet from the southwestern corner of lot 32; and running thence South 53 degrees 30 minutes East, approximately 280.6 feet crossing Lots 64, 62, 61, 60, 59, 58, 57, 56, 55 and 54 to the western margin of Mathews Drive and running thence southerly with the western margin of Mathews Drive along with a curve which has a radius of 476.2 feet approximately 30.3 feet to a point of tangency in said western margin; and running thence with the western margin of Mathews Drive South 58 degrees 30 minutes West 43.1 feet to a point of tangency in said margin; and running thence South 31 degrees 30 minutes East, approximately 250 feet crossing Mathews Drive to a point in the boundary line between the Cunningham and Evans properties; and running thence North 58 degrees 30 minutes East approximately 536 feet with the southeastern boundary of the Cunningham property and the Mathews Subdivision and Lot 15 of said subdivision North 54 degrees West 120 feet to a corner in said subdivision running thence South 36 degrees 30 minutes West 69.2 feet to the northern margin of Edencross; and running thence with the northern margin of Edencross North 53 degrees 30 minutes West 310.7 feet to the southwestern corner of Lot 25; and running thence North 36 degrees 30 minutes East 300 feet to the beginning.

Upon motion by Councilman Rhodes, seconded by Councilman Rose, the Council unanimously approved the final adoption of the following resolution:

FINAL RESOLUTION REQUIRING THE PAVING WITHOUT A PETITION, OF
ANN 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 best legislative judgment, The City Council of Fayetteville, North Carolina, finds as fact that:

1) The paving of Ann Street is necessary in order to connect streets already paved, to wit, Grove Street and Lamont Street;

and

2) The RESOLUTION and ORDER adopted at its meeting on the 11th day of September, 1961, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, WITHOUT A PETITION, OF ANN STREET", having been duly published on the 1st day of September, 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 11th day of September, 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 Ann 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 Ann Street which lies between Grove Street and Lamont Street, shall be paved and curbs and gutters laid thereon, the cost of such