

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 the 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 11th day of SEPTEMBER, 1961, by the City Council of the City of Fayetteville, North Carolina.

/s/ M. W. Downs
Clerk

/s/ Robert H. Butler
Mayor

Upon a motion by Councilman Rose, seconded by Councilman Maness, the Council voted final approval to the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF FAYETTEVILLE AT ITS REGULAR
MEETING ON MONDAY NIGHT, 9 October, 1961

Whereas the Tax Collector of the City of Fayetteville has on 25 September, 1961, filed with the City Council of the City of Fayetteville, the attached Report of Insolvents:

And whereas the City Council of the City of Fayetteville, after due examination, finds that, in the judgment of said City Council, said Report of Insolvents is correct as to all taxpayers and taxes therein concerned;

And whereas, in the opinion of said City Council, said insolvent accounts are uncollectible, and the said City Council so finds;

Now, therefore, said attached Report of Insolvents is hereby ordered to be incorporated in the Minutes of the City Council and the taxes shown in such Report are to be credited to the Tax Collector in his settlement;

And it is further resolved and ordered that the Tax Collector is required to publish such list of insolvent taxpayers by posting a copy of such list at the courthouse door of the Cumberland County, North Carolina, Courthouse, and at the City Hall door of the City of Fayetteville in said County;

And it further being found by said City Council that the accounts shown in said Report of Insolvents have been audited by the Certified Public Accountants employed by the City to audit the City's books and by them found to be correct, it is further ordered that the original Report of Insolvents, hereto attached, be sealed in an envelope, and that said Tax Collector of the City of Fayetteville and Haigh and vonRosenberg, said Certified Public Accountants, endorse on said envelope sufficient information as to the contents thereof, and, thereafter, no detailed accounting need be made further with respect to the contents of said envelope.

/s/ M. W. Downs
Clerk

/s/ Robert H. Butler
Mayor

Mr. Rumbough, Planning Director reminded the Council of the public hearing scheduled for October 25th at 4:00 P. M. to consider rezoning an area adjacent to Sigman Street. This would extend the present C-1 Local Business district on Bragg Blvd. through to Sigman Street.

Upon a motion by Councilman Rhodes, seconded by Councilman Maness, Council unanimously voted to advertise a public hearing at 8:00 P. M., Monday, November 13 for initial zoning of an area in the vicinity of Ramsey Street (Raleigh Road), Country Club Drive and Rose Hill Road which was amended to the city on September 25, 1961.

Annexed

Upon a motion by Councilman Rose, seconded by Councilman Maness, Council voted unanimously to give Planning Director Rumbough the authority to name certain streets in Raleigh Road area due to conflict with street names existing within the city. Planning Director is to work with Fire Chief in this matter.

Upon a motion by Councilman Rhodes, seconded by Councilman Rose, Council voted unanimously to advertise a public hearing at 8:00 P. M., November 13th to consider amendments in the dimensional requirements of the C1P Shopping Center District of Section 25.42 of the Zoning Ordinance. This proposal would add a new subsection (3e) to section 25.43 of the Zoning Ordinance as pertains to yards requirements. This was recommended of Planning Board. PH
11/13

Upon motion by Councilman Rhodes, seconded by Councilman Maness, Council unanimously voted final plats approval of property of J. F. Price and that the section of the subdivision ordinance which requires that lots being subdivided meet the minimum requirements of the zoning ordinance be waived. This was recommended of Planning Board.

Upon motion by Councilman Rose, seconded by Councilman Maness, Council unanimously authorized the Mayor and Clerk to sign the following agreement.

NORTH CAROLINA
CUMBERLAND COUNTY

AGREEMENT

This AGREEMENT, made this day of October, 1961, by J. C. Tally, Jr. and William M. Clark, Co-Trustees of the Florence Rogers Charitable Trust, Incorporated, a North Carolina corporation, and EUTAW SHOPPING CENTER, INC., a North Carolina corporation; all herein called OWNERS, THE CITY OF FAYETTEVILLE, a North Carolina municipal corporation, herein called CITY;

WITNESSETH THAT:

WHEREAS, Florence L. Rogers, now deceased, a predecessor of some of OWNERS, in November, 1955, dedicated a plat entitled "Eutaw, Sheet No. 9", recorded in Plat Book 17, page 58, Cumberland County, North Carolina, registry which plat, as its Southern Boundary showed a 50 foot wide street named "Florence Street";

And, WHEREAS, said street was and is intended and needed only as an area for public easements for electricity, sewer, water, etc., and as a service alley, and for ingress and egress generally, but was and is not intended for a publicly accepted and maintained street which latter status would be burdensome on OWNERS and CITY;

AND WHEREAS CITY has never formally accepted said street as a public street, or opened it, or worked it or maintained it;

NOW, THEREFORE, in consideration of the foregoing and other valuable consideration mutually received and acknowledged it is agreed and fixed that:

1) Said street as shown on said plat is not a public street and is not a part of the street system of CITY and CITY shall have no responsibilities therein or pertaining thereto and no rights therein except the easement rights granted in this agreement.

2) OWNERS hereby grant to CITY, in all the area shown as Florence Street on said plat the perpetual rights, easements and privileges of building, constructing, laying, installing, maintaining, repairing and operating electric and telephone lines, water, sanitary sewer and storm sewer lines with all pipes, poles, attachments, equipment and accessories needful, and to have full ingress and egress there-to and therefrom within said area shown on said plat as Florence Street.

IN TESTIMONY WHEREOF, all parties have duly signed and sealed this instrument of agreement.

(SEAL)

Co-Trustee, The Florence
Rogers Charitable Trust

(SEAL)

Co-Trustee, The Florence
Rogers Charitable Trust

ATTEST:

EUTAW, INCORPORATED

BY:

Secretary

President

ATTEST:

CITY OF FAYETTEVILLE

/s/ Maurice W. Downs Clerk

BY: /s/ Robert H. Butler, Mayor