

Regular Meeting
8:00 P. M.
November 13, 1961

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

Councilmen: Eugene Plummer
Ted Rhodes
D. B. Maness

City Attorney, J. O. Tally, Jr.
PWC Treasurer, Harry Stein
PWC Administrator, R. A. Muench
City Manager, G. W. Ray

A public hearing having been advertised and there being no opposition presented and upon motion by Councilman Plummer, seconded by Councilman Rose, the Council unanimously voted as follows:

To zone initially to Residential 10 the following newly annexed area on Ramsey Street and Country Club Drive described as follows:

BEGINNING at a point in the western margin of Raleigh Road, said point being where the southern boundary of the Greene Park Subdivision intersects with the western margin of Raleigh Road; and running thence southerly with the western margin of Raleigh Road and the present city limits to the Second Spring Branch, which Branch is the present city limit line; thence with the Second Spring Branch and the city limit line westerly crossing Rose Hill Road to the point at which the Second Spring Branch empties into Big Cross Creek, said point being a corner in the present city limit line; and running thence along a new boundary northwardly with the course of Big Cross Creek to the point where Big Cross Creek intersects a line which runs parallel and 150 ft. west of the western margin of Rose Hill Road; thence along said parallel line 150 feet West of Rose Hill Road northwestwardly to the southern property line of the Elwood Benton property as described in Book 688, Page 107 of the Cumberland County Registry; thence with said Benton line easterly to the western margin of Rose Hill Road; thence with the western margin of Rose Hill Road Northwestly crossing Country Club Drive to the northwestern corner of Rose Hill Road and Country Club Drive; thence with the northern margin of Country Club Drive crossing Rose Hill Road eastwardly to the southwestern corner of Lot Number 1 Country Club Acres as recorded in Plat Book 14, Page 69 of the Cumberland County Registry; and running thence with the western property line of Lot Number 1 North 2 degrees 39 minutes East to the northwestern corner of Lot Number 1; and running thence South 87 degrees 21 minutes East 825 ft. along the rear boundaries of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 of Country Club Acres to the northeastern corner of Lot Number 21; and running thence North 2 degrees 39 minutes East 150 feet with the western margin of Lot Number 24 Country Club Acres to the northwestern corner of Lot Number 24; and running thence South 87 degrees 21 minutes East 133.5 feet to the northeastern corner of Lot 24 Country Club Acres, said point being in the western margin of Greene Park Subdivision; and running thence with the western margin of Greene Park Subdivision North 15 degrees 32 minutes East 594.2 feet to a corner in said Greene Park Subdivision; and running thence with the northern boundary of Greene Park Subdivision South 63 degrees 36 minutes East 941.43 feet to a corner in the northern boundary of Greene Park Subdivision; and running thence with the northern boundary of Greene Park Subdivision North 78 degrees 9 minutes East 208.36 feet to the northeastern corner of Lot Number 22 Greene Park Subdivision; and running thence with the eastern boundary of Lots 22 and 21 of Greene Park Subdivision crossing Country Club Drive South 3 degrees 50 minutes East 845.8 feet to the southeastern corner of Lot Number 21 Greene Park Subdivision; and running thence with the southern margin of the Greene Park Subdivision and the southern boundaries of Lots 19, 17, 15, 13, 11, 9, 7, 5, 3 and 1 to the 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 as follows:

To amend the dimensional requirements of the C1P Shopping Center District of Section 25.43 of the zoning ordinance whereby a new subsection "g" would be added to Section 25.43 as follows:

In instances where the design of a proposed shopping center may make some or all of the yard requirements as contained herein unnecessary for the furtherance of the purposes of this ordinance, the City Council, upon recommendation of the Planning Board, may vary the yard requirements contained herein provided that such variance does not interfere with proper access, circulation, loading or pedestrian movement within the center and does not in any way have a detrimental influence on any existing or proposed street or public way or surrounding properties. Before recommending such a variance to the City Council, the Planning Board must make a finding that the proposed shopping center design serves the purposes of this ordinance as well if the required yards were maintained and practical difficulties or undue hardship shall not be cause for granting such variance. In granting such a variance the City Council, upon recommendation of the Planning Board, may place such conditions as it deems necessary regarding the proposed variance in furtherance of the purpose of this ordinance, which conditions may be required to be perpetually maintained unless changed by the City Council and any owner, tenant, or leasee or both that does not maintain these conditions shall be in violation of this ordinance and subject to the penalties thereof.

A public hearing having been advertised and there being no opposition present and upon motion by Councilman Rhodes, seconded by Councilman Plummer, the Council voted unanimously to adopt the following Resolution:

PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION,
OF CARVER 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) A petition, pursuant to North Carolina General Statute 160-82, et seq, has been filed with The City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Carver 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 public interest, safety, convenience and general welfare requires the paving and other below described improvement of Carver Street;

and

3) 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 Carver Street which lies between Murchison Road and end of Carver Street, 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) A meeting of the City Council of Fayetteville will be held at the City Hall of Fayetteville at 8:00 P. M. on the 13th day of November, 1961, on the proposed improvements when all objections to the legality of making said proposed improvements shall be made in writing, signed in person or by Attorney, and filed with the Clerk of the City of Fayetteville at or before such time, and any such objections not so made will be waived.

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 17th day of October, 1961 by the City Council of the City of Fayetteville, North Carolina.

/s/ Robert H. Butler
Robert H. Butler
Mayor

/s/ M. W. Downs
M. W. Downs
City Clerk