

AN ORDINANCE EXTENDING THE CITY LIMITS

WHEREAS, notice was duly published in the Fayetteville Observer, a newspaper published in the City of Fayetteville, that at the meeting of the City Council, to be held in the City Hall at 8:00 P. M. on November 17, 1961, there would be considered the annexation to the City of all of the area hereinafter described, as directed by said Council at its regular meeting on the 27th day of November, 1961, and as petitioned for by all the owners of the property in such area;

AND WHEREAS no petition was filed or protest made against the annexation thereof to the municipality;

AND WHEREAS, it is considered in the best interest of the City of Fayetteville, and its inhabitants to annex said area to and include it within the municipality;

THEREFORE, THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE DO ORDAIN:

That in accordance with North Carolina General Statute 160-452 and related statutes, said area, contiguous to the present boundaries of the City, described below, be annexed to and made a part of the City of Fayetteville, to wit:

BEGINNING at the point of intersection of the eastern margin of Murray Hill Road and the center of Branson Creek, the center of said Branson Creek being the present City Limit Line of the City of Fayetteville, N. C. and running thence with the eastern margin of Murray Hill Road in a southerly direction along a curve to the left, said curve having a radius of 911.7 feet, an arc distance of about 70 feet to the end of said curve; thence continuing with the eastern margin of Murray Hill Road crossing Bright Wood Drive, S 11° 48' W 286.5 feet, to a point in said eastern margin of Murray Hill Road; thence, crossing Murray Hill Road S 78° 12' W 229.2 feet to a point in the western boundary of the tract of which this is a part; thence with the western boundary of the tract of which this is a part N 23° 28' 10' E 53.6 feet to a point; thence continuing with the western boundary of the tract of which this is a part N 18° 54' 10" W 212.90 feet to a point; thence continuing with the western boundary of the tract of which this is a part N 0° 41' 50" E 119.06 feet to a point in the center of Branson Creek, the present City Limit Line, in an easterly direction about 250 feet to the eastern margin of Murray Hill Road, the point of beginning.

This 16th day of November, 1961.

M. W. Downs
City Clerk

Acting on a request from the Fayetteville Taxicab Association and upon motion of Councilman Rhodes, seconded by Councilman Plummer, the Council voted unanimously to grant a 10¢ increase in the basic taxi fare. This raises the fare for the first mile from 45¢ to 55¢ but makes no other changes in existing schedule. Effective date of the increase is December 10, 1961.

Upon motion by Councilman Rhodes, seconded by Councilman Rose, the Council, acting on a petition from Mrs. Marian Szymkowitz to rezone a tract of land on Fort Bragg Road between McPherson Avenue, Barrington Cross and Pecan Drive from R-6 Residential District to R-5 Residential District, ordered a public hearing held at its regular meeting on January 8th, 1962 and that the petitioner be referred back to the Board of Adjustment for a variance as to the number of apartments which could be erected on her lot in addition to her residence.

The following Taxi Driver Applications were granted by the Council upon a motion by Councilman Plummer, seconded by Councilman Maness:

Robert Edward Farnham
Robert J. Weirich

Frank Meeks
Lewis G. Williams

City Tax Collector, Jarvis Jones, recommended to the Council that a tax refund of \$12.72 be made to F. N. McKay. This amount was paid in error for the years 1957, 1958, 1959 and 1960 on two lots on the Murchison Road which are beyond the City Limits.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council granted the request.

The resignation of Mr. J. L. Smith from the Police Department, effective November 17th, was accepted by the Council.

Mr. Sneed High, Attorney, following the direction of the Council at its meeting of November 13, 1961, presented, in draft form, a proposed amendment to the City's Taxicab Ordinance as relates to the assignment or transfer of certificates.

After a brief discussion, Councilman Plummer moved that the matter be tabled until the Council's next regular meeting on December 11th in order to give the Council and the City Attorney time in which to study the proposed amendment. The motion was seconded by Councilman Maness and carried.

Mr. E. S. Antry of the Fayetteville Taxicab Association requested a reduction in price of the Taxicab Operators License.

The matter was discussed briefly, but no action was taken.

City Attorney Tally advised the Council that City's drainage easement over the private property of Mr. John Bain in Murray Hill was not entirely within the easement area and was further complicated by a Public Works Commission sewer line also off easement by approximately 6". Mr. Bain is seeking relief from the situation caused by the drainage problem. Attorney Tally stated that in his opinion a survey error had been made originally in the measurement of the easement and that due to this, a compromise was indicated from the city's usual policy of the city installing the pipe for drainage if the property owner would pay for the pipe.

Assistant City Engineer Ashley stated that the amount of drainage pipe required would be 211' of 18" pipe at \$2.25 per ft. A total cost of \$474.75.

Attorney Tally stated further that Mr. Bain was willing to grant the city an additional 5' easement for the PWC sewer main and would pay \$300.00 toward the cost of the drainage pipe with the city paying the balance of \$174.75.

Councilman Rhodes then moved that the city proceed with the installation of the drainage pipe with the property owner participating in the amount of \$300.00 and that the City Manager be instructed to allocate the difference in cost as necessary and that the additional 5' easement be secured from the property owner for the sewer main. The motion was seconded by Councilman Plummer and unanimously carried.

Engineer Ashley advised the Council that the signatures of 100% of the property owners on the south side of Facility Drive had been secured for the paving of Facility Drive.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted to pave Facility Drive with the city bearing 2/3 of the cost of paving. The Veterans Hospital is on the north side of the drive.

City Attorney Tally advised the Council that no additional bids other than the Powell-Kistler bid for the lease of the McNeill property tract on Old Street had been received during the ten (10) days interim period.

Councilman Rhodes moved that the Council formally accept the Powell-Kistler bid of \$82.43 per month. Motion was seconded by Councilman Rose and passed.

Engineer Ashley advised the Council that three more signatures remained to be secured on the right-of-way petition for Jones Street. Council had voted to accept a 30' right-of-way over the regular 40' right-of-way for this street at an earlier meeting.

The meeting was adjourned at 8:40 P. M. on motion by Councilman Rhodes.

Maurice W. Downs
City Clerk