

Regular Meeting
Monday
December 11, 1961, 8:00 P.M.
Court Room

Present: Mayor Robert H. Butler

Councilmen: Eugene Plummer
Sol C. Rose
Ted O. Rhodes
D. B. Maness

City Manager, G. W. Ray

City Attorney, J. O. Tally

PWC Secretary, A. B. Carr
PWC Administrator, Ray Muench

The first item of business was a rezoning matter. A public hearing had been advertised and there was no opposition present.

Upon motion by Councilman Rhodes, seconded by Councilman Plummer, the Council amended the City's Zoning Ordinance as follows:

Rezone from R-5 Residential District to C-1 Local Business District the following described area:

BEGINNING at a point, said point being the northwestern corner of the intersection of U. S. Highway 301-Eastern Boulevard and Minor Street; and running thence with the northern margin of Minor Street North 68 degrees 40 minutes West 236.86 feet; North 82 degrees 26 minutes West 120.56 feet; and North 68 degrees 40 minutes West 278.28 feet to a point in the northern margin of Minor Street; and running thence North 23 degrees and 23 minutes West 93.15 feet to a point; and running thence South 72 degrees and 43 minutes East 122.0 feet to a point; and running thence South 77 degrees and 43 minutes East 261.56 feet to a point; and running thence South 69 degrees 20 minutes East 179.60 feet to a point in the western margin of Eastern Boulevard South 7 degrees 45 minutes West 91.78 feet to the beginning.

The Council then, upon motion by Councilman Plummer, seconded by Councilman Maness, approved the following Final Resolutions for Street Paving:

FINAL RESOLUTION REQUIRING THE PAVING, PURSUANT TO PETITION, OF SHERMAN DRIVE

After careful study and consideration of the matter and of all pertinent facts and circumstances, including engineering and planning studies and advice, and 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, was filed with The City Council of Fayetteville, North Carolina, requesting the paving and other below described improvement of Sherman Drive 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 RESOLUTION and ORDER adopted at its meeting on the 13th day of November, 1961, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO RESOLUTION OF SHERMAN DRIVE", having been duly published on the 3rd day of November, 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 13th day of November, 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)

3) The public interest, safety, convenience and general welfare requires the paving and other below described improvement of Sherman Drive;

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 Sherman Drive from the end of existing pavement to the southwest corner of Lot 9, Block A, 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) 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 13th day of November, 1961 by the City Council of the City of Fayetteville, North Carolina.

Robert H. Butler
Mayor

M. W. DOWNS
Clerk

FINAL 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, was 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 to 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 RESOLUTION and ORDER adopted at its meeting on the 13th day of November, 1961, by the City Council of the City of Fayetteville, North Carolina, entitled "PRELIMINARY RESOLUTION REQUIRING THE PAVING, PURSUANT TO RESOLUTION OF CARVER STREET", having been duly published on the 3rd day of November, 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 13th day of November, 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);